



# BULLETIN OF BOARD NEWS AND ENFORCEMENT ACTIONS

#30, Summer 2003

## NEW CODES OF PROFESSIONAL CONDUCT BECOME EFFECTIVE JULY 4, 2003

The new Codes of Professional Conduct for Professional Engineering and Professional Land Surveying became effective on July 4, 2003. These new Codes, as codified in the Board Rules (Title 16, California Code of Regulations section 400, et seq.), were developed and adopted by the Board to protect and safeguard the health, safety, welfare, and property of the public. These Codes apply to every person who is licensed by the Board as a professional engineer or a professional land surveyor, including licensees employed in any manner by a governmental entity or in private practice. A violation of the Codes in the practice of professional engineering or professional land surveying constitutes unprofessional conduct and is considered grounds for disciplinary action by the Board against the licensee, pursuant to Business and Professions Code sections 6775 and 8780.

Board Rule 475 addresses the Code of Professional Conduct for Professional Engineering and applies to everyone licensed by the Board as a Professional Engineer. Board Rule 476 addresses the Code of Professional Conduct for Professional Land Surveying and applies to everyone licensed by the Board as a Professional Land Surveyor and to all Civil Engineers who are legally authorized to practice land surveying (those whose Civil Engineer license was issued prior to January 1, 1982, and have a license number lower than C 33966).

The text of these new Board Rules is included in this publication for your convenience. (See Pages 9 & 10.) They are also available on the Board's website at <http://www.dca.ca.gov/pels>. If you have any questions about these new Codes of Professional Conduct, please contact the Enforcement Unit of the Board at [BPELS\\_Enforcement\\_Information@dca.ca.gov](mailto:BPELS_Enforcement_Information@dca.ca.gov) or call the Enforcement Analysts at any of the phone numbers listed on the "How to Contact the Board" page of this publication.

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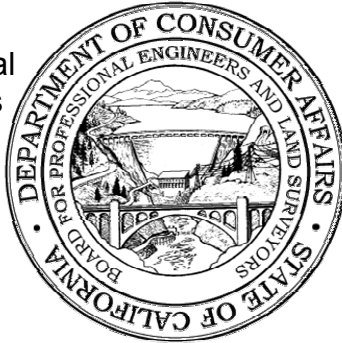
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California Board for Professional  
Engineers and Land Surveyors

# HOW TO CONTACT THE BOARD

## **Mailing Address**

California Board for Professional  
Engineers and Land Surveyors  
P. O. Box 349002  
Sacramento, CA 95834-9002



## **Office Location**

2535 Capitol Oaks Drive  
Suite 300  
Sacramento, CA 95833

## **Internet Address**

<http://www.dca.ca.gov/pels>

## **General Information**

(916) 263-2222  
Fax: (916) 263-2246  
[BPELS\\_Office@dca.ca.gov](mailto:BPELS_Office@dca.ca.gov)

## **Verification of License**

(916) 263-2222  
[http://www.dca.ca.gov/pels/l\\_lookup.htm](http://www.dca.ca.gov/pels/l_lookup.htm)  
[BPELS\\_License\\_Verification@dca.ca.gov](mailto:BPELS_License_Verification@dca.ca.gov)

## **Executive Staff**

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## **Staff Engineers & Land Surveyor**

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## **Delinquent Reinstatements**

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## **Enforcement/Legislation**

[BPELS\\_Enforcement\\_Information@dca.ca.gov](mailto:BPELS_Enforcement_Information@dca.ca.gov)

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(916) 263-2241

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Coordinator  
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Donna Vaum  
Enforcement Analyst  
(916) 263-2250

Nancy Cook  
Organization Record  
Information  
(916) 263-2237

## **College Outreach**

Eileen Crawford, P.E.  
(916) 263-5438

## **Mailing Lists of Licensees**

Department of Consumer Affairs  
Public Information Office  
400 R Street  
Sacramento, CA 95814  
(916) 323-7018

## **EXAM APPLICATION FEES INCREASED ON JULY 1, 2003**

Effective July 1, 2003, Board Rule 407 was amended to increase the examination application fees. This means that any applications, including refile applications, that are postmarked on or after July 1, 2003, must include the new application fee. Applicants who do not include the correct fee with their applications will be notified in writing that they must submit the full amount of the new fee in order for their application to be considered.

The new fees are as follows:

Engineer-in-Training:	\$100.00
Professional Engineer (all disciplines):	\$275.00
Geotechnical Engineer:	\$275.00
Structural Engineer:	\$275.00
Land Surveyor-in-Training:	\$100.00
Professional Land Surveyor:	\$275.00

The applications for all disciplines except Structural Engineer are available on the Board's website at <http://www.dca.ca.gov/pels>. All applications are also available by mail. You may call the Board office at (916) 263-2222 and request an application be mailed to you. Your request may also be faxed to (916) 263-2246 or e-mailed to [BPELS\\_Applications@dca.ca.gov](mailto:BPELS_Applications@dca.ca.gov). Applications cannot be mailed without your complete name, mailing address, and social security number or date of birth. If you are outside the United States, the name and address space is limited to four (4) lines, thirty (30) characters per line, including spaces. Be sure your name and address fits within those specifications. Omit punctuation unless required by your postal service.

## **RENEWAL CYCLE AND FEE CHANGED ON JULY 1, 2003**

Effective July 1, 2003, Board Rule 407 was amended to change the renewal cycle to two (2) years and to change the renewal fee to \$150.00. This means that all licenses that expire on or after July 1, 2003, will be subject to the new renewal fee and will be renewed for a 2-year period. Therefore, if your license is scheduled to expire on September 30, 2003, you will be required to pay the new renewal fee of \$150.00, and your license will be renewed for two years. [If your license expired on June 30, 2003, you are still under the old 4-year renewal cycle and the old renewal fee of \$160.00 until the next time your license expires.]

The delinquency penalty fee that must be paid to renew a professional engineer license after the 60-day grace period or a professional land surveyor license after the 30-day grace period will remain at 50% of the renewal fee in effect at the time the license expires. In other words, if your license expires on June 30, 2003, and you do not pay your renewal fee until after the grace period, you would have to pay \$240.00 (\$160 renewal fee + \$80 delinquency penalty fee). However, if your license expires on September 30, 2003, and you do not pay your renewal fee until after the grace period,

you would have to pay \$225.00 (\$150 + \$75). Remember that the grace period only applies to the amount of the fee you must pay to renew your license; it does not allow you to continue to practice, offer to practice, or use any restricted titles once your license expires. It is illegal to practice, offer to practice, or use any restricted titles until all of the required renewal fees are paid and your license is current and valid; the Board can take disciplinary action against you for practicing, offering to practice, or using any restricted titles while your license is expired.

Due to administrative processing issues, the Board is not able to accept renewal payments prior to 90 days before the expiration date. If you submit your renewal payment more than 90 days before your license is scheduled to expire, the payment will be returned to you.

## **REMEMBER**

### **NOTIFY THE BOARD IF YOU CHANGE YOUR ADDRESS AND RENEW YOUR LICENSE ON TIME TO AVOID PENALTIES**

If you change your address, you are required by law to notify the Board within 30 days. Submitting an address change form or forwarding order to the U.S. Postal Service is not sufficient. You must notify the Board directly. For convenience, you may use the Address Change Affidavit form to notify the Board. This form is located on the Board's website at <http://www.dca.ca.gov/pels>. You may also request that the form be faxed or mailed to you by calling the Board at (916) 263-2222.

Renewal notices are mailed to the address of record on file with the Board 60 days prior to the expiration date of the license. It is not uncommon for licensees to forget to renew their licenses because their renewal notices were mailed to the wrong address. Many times, licensees move and forget to notify the Board of their new address. Unfortunately, then their licenses become delinquent.

Once your license becomes delinquent, you must pay the delinquent fee plus the renewal fee. It is illegal to practice, offer to practice, or use any restricted titles with a delinquent license, and the Board can take disciplinary action against your license for doing so. If your license has been delinquent for more than three years, it cannot be renewed simply by paying fees. In order to reinstate a license that is more than 3 years delinquent, you would need to apply through the delinquent reinstatement process, including submitting a complete application with references and possibly taking examinations.

In order to avoid any lapse in your license renewals, you should make sure that your address of record is always current with the Board and that you submit your renewal payment on time. You may check your address of record on file with the Board by using the License Lookup feature on the Board's website or by calling the Board office at (916) 263-2222.

## **BOARD RULE 404 AMENDED DEFINITIONS OF NEGLIGENCE AND INCOMPETENCE ADDED**

Effective April 12, 2003, Board Rule 404 (Definitions) has been amended to include definitions of “negligence” and “incompetence” for purposes of complaints investigated and disciplinary actions taken by the Board against its licensees. The definitions are as follows:

(n) For the sole purpose of investigating complaints and making findings thereon under Sections 6775 and 8780 of the Code, “incompetence” as used in Sections 6775 and 8780 of the Code is defined as the lack of knowledge or ability in discharging professional obligations as a professional engineer or land surveyor.

(w) For the sole purpose of investigating complaints and making findings thereon under Sections 6775 and 8780 of the Code, “negligence” as used in Sections 6775 and 8780 of the Code is defined as the failure of a licensee, in the practice of professional engineering or land surveying, to use the care ordinarily exercised in like cases by duly licensed professional engineers and land surveyors in good standing.

Since these definitions are based on existing case laws that are currently used in administrative disciplinary matters against professional engineers and land surveyors, they are not really “new” definitions. The Board chose to add these definitions to its Board Rules to make it clear for everyone exactly what the definitions of “negligence” and “incompetence” are in administrative disciplinary matters against professional engineers and land surveyors.

## **NOTICES OF RULEMAKING PROPOSALS NOW ON THE BOARD’S WEBSITE**

Whenever the Board seeks to add, amend, or repeal a Board Rule, it must go through the formal rulemaking process, including providing notice to interested parties and accepting and considering public comment about the proposed change to the Board Rules. In the past, the Board has always mailed the rulemaking notices to all interested parties on the Board’s mailing list and has accepted public comments in writing via mail and fax or orally at public hearings. Beginning in 2001, the Board now makes its Rulemaking Notices available on its website at <http://www.dca.ca.gov/pels>. In addition, the Board now accepts public comments regarding the rulemaking proposals via e-mail.

One of the menu items on the Board’s home page is entitled “Rulemaking Notices.” Choosing this item will take you to a page with information regarding all of the Board’s currently-noticed rulemaking proposals. Each proposal has a separate heading, with the notices, the proposed language, the initial statements of reasons, and the final statements of reasons for each proposal available in Adobe Reader format for downloading. Of course, the Board will still be mailing out the information to interested parties as well.

## **TECHNICAL ADVISORY COMMITTEE VACANCIES**

The Board is accepting applications to fill vacancies on several of its Technical Advisory Committees. The Civil Engineering, Geotechnical Engineering, Structural Engineering, and Land Surveying Technical Advisory Committees (CETAC, GETAC, SETAC, & LSTAC) will all have vacancies as of June 30, 2003.

The TACs advise and assist the Board and its staff on civil, geotechnical, and structural engineering and land surveying matters. Each TAC usually meets once a year; however, individual TAC members may also be asked to assist Board staff in reviewing applications for licensure, enforcement complaint investigation cases, and other technical issues.

Each TAC consists of five members who are appointed by the Board. In addition, two Board members (one professional member in the appropriate discipline and one public member) and a staff person are assigned as liaisons to each TAC. The TAC members serve a two-year term and can be reappointed for two additional two-year terms. TAC members receive per diem and expenses but are not paid.

Applicants for appointment to the TACs must be expert civil, geotechnical, or structural engineers or land surveyors and must hold current, valid, and unrestricted licenses. Additionally, applicants should not have been subject to disciplinary action by the Board and should not be under investigation by the Enforcement Unit of the Board.

Technical Advisory Committee Member Application Forms are available on the Board's website at <http://www.dca.ca.gov/pels> under the menu item entitled "Forms." The TAC applications may also be obtained by calling the Board office at (916) 263-2230. Once received, the applications will be reviewed by the Board member and staff liaisons to the TACs. It is anticipated that appointments will be made at the Board meeting in September 2003.

## **THANK YOU TO GEOTECHNICAL & STRUCTURAL ENGINEERS**

The Board would like to thank the Geotechnical Engineers and Structural Engineers who took the time to complete and return the Geotechnical Engineer Occupational Analysis Questionnaire that was sent out in May of 2001 and the Structural Engineer Occupational Analysis Survey that was sent out in May of 2003. Data from the geotechnical survey was used to update the California Geotechnical Examination Test Plan, which was in turn used to update the Geotechnical Engineer Examination that was administered in October 2002. The data from the structural survey will be used to develop the California state-specific structural examination that will be administered in October 2004, in conjunction with the national structural examination. Thank you for your dedication to the professions of geotechnical and structural engineering!



## IN MEMORIAM

### **California State Senator (Retired) Leroy F. Greene, Civil Engineer**

California State Senator (Retired) Leroy F. Greene, Civil Engineer, passed away on September 29, 2002, at the age of 83. Senator Greene graduated from Purdue University in 1940 with a degree in civil engineering. After serving in the occupation army in Japan following the Second World War, Senator Greene became licensed in California as a Civil Engineer in 1949. He then served as a plan checker for the California Division of Architecture for two years, before opening his own consulting engineering firm. He headed Leroy Greene and Associates, Consulting Engineers from 1951 to 1978. Senator Greene served in the California State Legislature for 36 years, representing the Sacramento/Carmichael area, before retiring in 1998. As one of the few Professional Engineers to serve in the California State Legislature, Senator Greene's insight into the engineering and land surveying professions was very beneficial to the Board, the engineering and surveying professions, and, most importantly, to the consumers of California.

### **John A. Blume, Civil and Structural Engineer**

John A. Blume, Civil and Structural Engineer, passed away on March 1, 2002, at the age of 92. Mr. Blume graduated from Stanford University in 1933 and was the founder of the university's John A. Blume Earthquake Engineering Center in the Department of Civil and Environmental Engineering. Mr. Blume received his Civil Engineer license in 1939 and became licensed as a Structural Engineer in 1940. During his lengthy career, Mr. Blume was considered one of the world's leading scholars in the field of earthquake engineering and was dubbed "the father of earthquake engineering" by his colleagues.

### **William W. Moore, Civil and Geotechnical Engineer**

William W. Moore, Civil and Geotechnical Engineer, passed away on October 23, 2002, at the age of 90. He attended Caltech University in Pasadena, where he earned both Bachelor of Science and Master of Science degrees in civil engineering. After receiving his California Civil Engineer license, Mr. Moore and Trent Dames formed Dames & Moore, a consulting engineering firm in 1938. Over 62 years later, the firm has grown to be an international firm with over 100 partners and 6,000 employees. Initially, the firm specialized in geotechnical engineering; since the 1970s, the firm has expanded its services to include environmental engineering and applied earth sciences. While Mr. Moore's technical interests included soil mechanics, foundation engineering, and earthquake engineering, his avocation was boating on San Francisco Bay.

### **Logan N. Muir, Civil Engineer**

Logan N. Muir, Civil Engineer, passed away on April 22, 2002, at the age of 87. After graduating from the University of Illinois with a Bachelor of Science degree in civil engineering in 1941, Mr. Muir worked with the U.S. Corps of Engineers constructing air bases in Trinidad, British West Indies. Mr. Muir was a commissioned officer in the Navy and served with the U.S. Navy Engineer Corps in the South Pacific during the Second World War. After receiving his California Civil Engineer license in 1949, Mr. Muir worked for the California Division of Beaches and Parks and was a principal in the civil engineering and land surveying firm of Packard, Muir & Train. From 1961 to 1972, Mr. Muir served as a member of the Board, including serving as the President of the

Board and as the Executive Secretary to the Board. He never forgot that one of the primary purposes of the Board is to protect the public from fraudulent engineering practices.

**Leo W. Ruth, Jr., Civil Engineer**

Leo W. Ruth, Jr., Civil Engineer, passed away on February 16, 2003, at the age of 85. Mr. Ruth graduated from Santa Clara University in 1938 with degrees in civil and mechanical engineering. Following the receipt of his California Civil Engineer license in 1948, Mr. Ruth co-founded the engineering firm of Ruth and Going, Inc.; he retired from the firm in 1983. Mr. Ruth served as a member of the Board from 1959 to 1967, including serving as the President of the Board. In 1965-1966, he also served as the President of National Council of State Boards of Engineering Examiners (now known as the National Council of Examiners for Engineering and Surveying or NCEES). Even after his retirement from the practice of engineering, Mr. Ruth remained active in the profession, including serving as a Past President of NCEES and chairing the Consulting Engineers and Land Surveyors of California's Board Liaison Committee until his death.



#### **475. Code of Professional Conduct – Professional Engineering**

To protect and safeguard the health, safety, welfare, and property of the public, every person who is licensed by the Board as a professional engineer, including licensees employed in any manner by a governmental entity or in private practice, shall comply with this Code of Professional Conduct. A violation of this Code of Professional Conduct in the practice of professional engineering constitutes unprofessional conduct and is grounds for disciplinary action pursuant to Section 6775 of the Code. This Code of Professional Conduct shall be used for the sole purpose of investigating complaints and making findings thereon under Section 6775 of the Code.

##### **(a) Compliance with Laws Applicable to a Project:**

A licensee shall provide professional services for a project in a manner that is consistent with the laws, codes, ordinances, rules, and regulations applicable to that project. A licensee may obtain and rely upon the advice of other professionals (e.g., architects, attorneys, professional engineers, professional land surveyors, and other qualified persons) as to the intent and meaning of such laws, codes, and regulations.

##### **(b) Conflict of Interest:**

(1) If a licensee provides professional services for two or more clients on a project or related projects, the licensee shall disclose in writing to those clients and property owners or their authorized representatives his or her relationship to those clients.

(2) If a licensee has a business association or a financial interest which may influence his or her judgment in connection with the performance of professional services, the licensee shall fully disclose in writing to his or her client(s) or employer(s) the nature of the business association or the financial interest.

(3) A licensee shall not solicit or accept payments, rebates, refunds, or commissions, whether in the form of money or otherwise, from contractors or suppliers of material, systems, or equipment in return for specifying their products to a client or employer of the licensee.

(4) A licensee, while engaged by a governmental agency as an officer, employee, appointee, agent, or consultant of that agency shall not engage in a professional engineering business or activity that may be subject to that licensee's direct or indirect control, inspection, review, audit, or enforcement on behalf of that agency, unless the circumstances are disclosed to and approved by that agency in writing prior to such engagement.

##### **(c) Representations:**

(1) A licensee shall not misrepresent his or her qualifications to a prospective or existing client or employer.

(2) A licensee shall not misrepresent to a prospective or existing client the licensee's scope of responsibility in connection with projects or services for which the licensee is receiving or will receive compensation from that client.

(3) A licensee shall not misrepresent his or her scope of responsibility in connection with projects or services for which the licensee is claiming credit.

(4) A licensee shall not misrepresent nor permit the misrepresentation of his or her professional qualifications, or affiliations or the affiliations or purposes of the institutions, organizations, or other businesses with which he or she is associated.

(5) When providing information in connection with a person's application for a license to practice professional engineering, a licensee shall accurately represent his or her knowledge of the applicant's qualifications.

(6) A licensee may advertise or solicit for any services for which he or she is authorized by licensure.

(7) A licensee shall only express professional opinions that have a basis in fact or experience or accepted engineering principles.

(8) A licensee shall attribute proper credit to others for their professional work or professional contribution and shall not misappropriate the professional work of others.

(9) A licensee shall not knowingly permit the publication or use of his or her data, reports, plans, or other professional documents for unlawful purposes.

(10) A licensee shall not falsely or maliciously injure or attempt to injure the reputation or business of others.

(11) A licensee shall not misrepresent data and/or its relative significance in any professional engineering report.

##### **(d) Confidential Information:**

Confidential information obtained by a licensee, in his or her professional capacity, concerning a client, employer, or other related party shall not be disclosed by the licensee without the permission of the client, employer, or other related party except for the following:

(1) Disclosures made in response to an order of the court or to a subpoena or summons enforceable by an order of the court.

(2) Disclosures made in an adjudicatory proceeding.

(3) Disclosures made in response to an official inquiry from a governmental regulatory agency.

(4) Disclosures made when required by law.

(5) Disclosures made upon discovering a hazard within the licensee's field of professional expertise which may threaten the health, safety, and welfare of the public.

(6) Disclosures made when providing evidence to the Board regarding other licensees or unlicensed individuals who may have violated the Professional Engineers Act.

(7) Disclosures made regarding illegal conduct.

As used in this section, "confidential information" means information identified as confidential by the licensee's client, employer, or other related party.

##### **(e) Document Submittal:**

(1) A licensee shall not misrepresent the completeness of the professional documents he or she submits to a governmental agency.

(2) A licensee shall not misrepresent the completeness of the professional documents he or she prepared to his or her client or to other involved parties.

*{Added, effective July 4, 2003}*

#### **476. Code of Professional Conduct – Professional Land Surveying**

To protect and safeguard the health, safety, welfare, and property of the public, every person who is licensed by the Board as a professional land surveyor or professional civil engineer legally authorized to practice land surveying, including licensees employed in any manner by a governmental entity or in private practice, shall comply with this Code of Professional Conduct. A violation of this Code of Professional Conduct in the practice of professional land surveying constitutes unprofessional conduct and is grounds for disciplinary action pursuant to Section 8780 of the Code. This Code of Professional Conduct shall be used for the sole purpose of investigating complaints and making findings thereon under Section 8780 of the Code.

##### **(a) Compliance with Laws Applicable to a Project:**

A licensee shall provide professional services for a project in a manner that is consistent with the laws, codes, ordinances, rules, and regulations applicable to that project. A licensee may obtain and rely upon the advice of other professionals (e.g., architects, attorneys, professional engineers, professional land surveyors, and other qualified persons) as to the intent and meaning of such laws, codes, and regulations.

##### **(b) Conflict of Interest:**

(1) If a licensee provides professional services for two or more clients on a project or related projects, the licensee shall disclose in writing to those clients and property owners or their authorized representatives his or her relationship to those clients.

(2) If a licensee has a business association or a financial interest which may influence his or her judgment in connection with the performance of professional services, the licensee shall fully disclose in writing to his or her client(s) or employer(s) the nature of the business association or the financial interest.

(3) A licensee shall not solicit or accept payments, rebates, refunds, or commissions, whether in the form of money or otherwise, from contractors or suppliers of material, systems, or equipment in return for specifying their products to a client or employer of the licensee.

(4) A licensee, while engaged by a governmental agency as an officer, employee, appointee, agent, or consultant of that agency shall not engage in a professional land surveying business or activity that may be subject to that licensee's direct or indirect control, inspection, review, audit, or enforcement on behalf of that agency, unless the circumstances are disclosed to and approved by that agency in writing prior to such engagement.

##### **(c) Representations:**

(1) A licensee shall not misrepresent his or her qualifications to a prospective or existing client or employer.

(2) A licensee shall not misrepresent to a prospective or existing client the licensee's scope of responsibility in connection with projects or services for which the licensee is receiving or will receive compensation from that client.

(3) A licensee shall not misrepresent his or her scope of responsibility in connection with projects or services for which the licensee is claiming credit.

(4) A licensee shall not misrepresent nor permit the misrepresentation of his or her professional qualifications, or affiliations or the affiliations or purposes of the institutions, organizations, or other businesses with which he or she is associated.

(5) When providing information in connection with a person's application for a license to practice professional land surveying, a licensee shall accurately represent his or her knowledge of the applicant's qualifications.

(6) A licensee may advertise or solicit for any services for which he or she is authorized by licensure.

(7) A licensee shall only express professional opinions that have a basis in fact or experience or accepted land surveying principles.

(8) A licensee shall attribute proper credit to others for their professional work or professional contribution and shall not misappropriate the professional work of others.

(9) A licensee shall not knowingly permit the publication or use of his or her data, reports, maps, or other professional documents for unlawful purposes.

(10) A licensee shall not falsely or maliciously injure or attempt to injure the reputation or business of others.

(11) A licensee shall not misrepresent data and/or its relative significance in any professional land surveying report.

##### **(d) Confidential Information:**

Confidential information obtained by a licensee, in his or her professional capacity, concerning a client, employer, or other related party shall not be disclosed by the licensee without the permission of the client, employer, or other related party except for the following:

(1) Disclosures made in response to an order of the court or to a subpoena or summons enforceable by an order of the court.

(2) Disclosures made in an adjudicatory proceeding.

(3) Disclosures made in response to an official inquiry from a governmental regulatory agency.

(4) Disclosures made when required by law.

(5) Disclosures made upon discovering a hazard within the licensee's field of professional expertise which may threaten the health, safety, and welfare of the public.

(6) Disclosures made when providing evidence to the Board regarding other licensees or unlicensed individuals who may have violated the Professional Land Surveyors' Act.

(7) Disclosures made regarding illegal conduct.

As used in this section, "confidential information" means information identified as confidential by the licensee's client, employer, or other related party.

##### **(e) Document Submittal:**

(1) A licensee shall not misrepresent the completeness of the professional documents he or she submits to a governmental agency.

(2) A licensee shall not misrepresent the completeness of the professional documents he or she prepared to his or her client or to other involved parties.

*{Added, effective July 4, 2003}*

## **CRIMINAL ACTIONS**

The Board's Enforcement Unit and the Department of Consumer Affairs' Division of Investigation investigate cases involving unlicensed practice. These cases are forwarded to the Office of the District Attorney in the appropriate county for criminal prosecution. The following are brief summaries of the actions taken by the courts. For further information regarding these matters, please contact the Enforcement Unit.

### **BRETZ, TIMOTHY GENE**

#### **Unlicensed**

#### **July 19, 2000: 1 year conditional release, \$650.00 fine**

The Board investigated allegations that Timothy Gene Bretz represented himself as a licensed professional engineer and altered a professional engineer's certificate to make it appear as if it was his own. Bretz is not licensed by the Board. On May 16, 2000, Bretz was charged with two misdemeanor counts for displaying or possessing a fictitious license and any document simulating a license or purporting to be or having been issued as a license and for unlawfully and falsely representing himself as a civil engineer and using the title "Registered Civil Engineer," violations of Business and Professions Code §§119(a)(2) and 6787(f). On July 19, 2000, in the Superior Court for the County of San Bernardino, Bretz entered a no contest plea to the misdemeanor charge of displaying or possessing a fictitious professional engineer's license. The other charge against Bretz was dismissed. Conditional and revocable release was granted to Bretz for a period of one year with conditions. Bretz was required to violate no laws other than minor traffic laws and to pay a fine of \$650.00.

### **CARDINELLE, ROBERT W.**

#### **Unlicensed**

#### **March 14, 2002: 2 years on informal probation; \$2700.00 fine or 33 days in jail**

The Board investigated four complaints that Robert W. Cardinelle was offering and practicing civil/structural engineering through companies he owned and operated named SECO (Structures, Environments Company, Inc.) and LoadsForces Company and that he was representing himself as a structural engineer. Cardinelle is not licensed by the Board. On March 9, 2001, Cardinelle was charged with sixteen misdemeanor counts for practicing or offering to practice civil/structural engineering without legal authorization; for unlawfully representing himself as being able to practice civil/structural engineering; for willfully and unlawfully managing and conducting a business offering civil/structural engineering; and for unlawfully, knowingly, designedly, and fraudulently getting possession of money and property and obtaining labor and service of another, violations of Business and Professions Code §§6787(a), (f), and (g) and Penal Code §532(a). On March 14, 2002, in the Superior Court for the County of Sacramento, Cardinelle entered a no contest plea to the misdemeanor charge of violating Business and Professions Code §16240 in that from on or about March 17 through August 6, 2000, he practiced, offered to practice, or advertised civil/structural engineering services without holding a current and valid license as a civil engineer. The other charges against Cardinelle were dismissed as part of the plea agreement. Cardinelle was placed on informal probation for two years with conditions. One condition requires him to pay fines and assessments to the court in the amount of \$2700.00 or serve 33 days in jail.

**CASTILLO, JOHN RAMOS****Unlicensed**

**January 12, 2001: 5 years probation, 365 days in county jail/weekend program, restitution and fines**

The Board investigated allegations that John Ramos Castillo represented himself as a licensed civil engineer and that he offered and contracted to provide civil engineering services to property owners seeking to build Polanco Housing Projects, community housing for migrant farm workers. Castillo is not licensed by the Board. On December 28, 2000, Castillo was charged with fourteen felony counts of attempting to defraud others and with two misdemeanor counts of tax evasion, violations of Penal Code §484(a) and Revenue and Taxation Code §19706. On January 12, 2001, in the Superior Court for the County of Riverside, Castillo entered guilty pleas to the fourteen felony charges of violating Penal Code §484(a), for attempting to defraud. The two misdemeanor tax evasion charges were dismissed. Castillo was granted formal probation for five years with conditions. These conditions included a 365-day jail term, with 145 days suspended, to be served on consecutive weekends as authorized by the Riverside Sheriff's Office weekender program. Other conditions required Castillo to pay restitution to eleven victims, to pay fines to the court, and to not engage in architectural or engineering services unless he does in compliance with the Business and Professions Code requirements.

**CLARK, CHRISTOPHER EARL****Unlicensed**

**November 30, 1999: Bench warrant issued, bail of \$2500; still outstanding**

The Board investigated allegations that Christopher Earl Clark was practicing civil engineering and representing himself as a professional engineer; that he had fraudulently altered a professional engineer's stamp to make it appear as his own; and that he submitted civil engineering plans bearing the altered stamp and his signature to City of Yorba Linda Building Department. Clark is not licensed by the Board. On November 9, 1999, two misdemeanor counts were filed against Clark alleging that he violated Penal Code §§115(a) and 487(a) for offering forged instruments for filing (civil engineering plans) and grand theft of property. Since Clark failed to appear at the arraignment hearing in the Superior Court of the County of Orange, a bench warrant with bail in the amount of \$2,500.00 was issued and is still outstanding.

**GUTIERREZ, THOMAS STEPHEN****Unlicensed**

**April 16, 2002: 3 years on formal probation; \$200.00 fine**

In late 2001, the Board investigated allegations that Thomas Stephen Gutierrez altered a professional engineer's stamp to make it appear as if it was his own and that he then affixed that stamp to civil engineering plans that he submitted to the Calaveras County Building Department in May 2000. Gutierrez is not licensed by the Board and was cited by the Board in September 2000, under Citation 5046-U, for similar violations. On January 3, 2002, Gutierrez was charged with one felony count of willfully, unlawfully, and knowingly procuring and offering a false and forged instrument [the civil engineering plans] to be filed in a public office in California [the Calaveras County Building Department], a violation of Penal Code §115(a). On April 16, 2002, in the Superior Court for the County of Calaveras, Gutierrez entered a no contest plea to the charge

and stipulated to the factual basis for the plea. Imposition of sentence was suspended for three years, and Gutierrez was placed on formal probation with conditions. One condition ordered Gutierrez to pay \$1,260.00 in fines, restitution, and fees to the court; however, all but \$200.00 of that amount was stayed.

### **LORA, CARLOS ENRIQUE**

#### **Unlicensed**

**January 11, 2002: 2 years conditional sentence, 90 days in jail/weekend work/work furlough, \$7,350.00 investigative cost reimbursement**

**August 29, 2002: Active warrant issued due to failure to appear for court-ordered commitment**

The Board investigated allegations that Carlos Enrique Lora represented himself as a licensed professional engineer, stamped documents using a professional engineer's license number, and submitted those documents to various city and county building permit departments. Lora is not licensed by the Board. On November 20, 2001, Lora was charged with four felony counts for attempting to file a false or forged instrument in a public agency, violations of Penal Code §115(a), and with one misdemeanor count for practicing electrical engineering without a license, a violation of Business and Professions Code §6787(a). On January 11, 2002, in the Superior Court for the County of Placer, Lora entered a no contest plea to the misdemeanor charge of practicing electrical engineering without a license and to the reduced misdemeanor charge of altering an official record, a violation of Penal Code §115.3. The other charges against Lora were dismissed. Lora was granted a conditional sentence for two years with conditions. These conditions included a 90-day jail sentence to be served through the weekend work/work furlough program. Other conditions required Lora to reimburse the Board's investigative costs in the amount of \$7,350.00, and to pay \$8,000.00 to the Board of Education for its scholarship fund. On August 29, 2002, Lora failed to show for his court-ordered commitment and an active warrant has been issued.

### **MADRID, RANDY OSCAR**

#### **Unlicensed**

**July 13, 1993: 3 years probation, 50 hours volunteer community service, \$2,522.00 restitution**

**April 21, 1998: 3 years probation, \$2,495.00 restitution**

In 1992 and 1993, the Board investigated allegations that Randy Oscar Madrid represented himself as a licensed civil engineer and a land surveyor and accepted money for civil engineering and land surveying services. Madrid is not licensed by the Board. On May 4, 1993, Madrid was charged with three misdemeanor counts of grand theft, selling services in violation of licensing requirements, and practicing or offering to practice civil engineering without a legal authorization, violations of Penal Code §487.1 and Business and Professions Code §§128 and 6787(a). On July 13, 1993, in the Superior Court for the County of San Luis Obispo, Madrid entered a no contest plea to the misdemeanor charge of practicing or offering to practice civil engineering without a license, a violation of Business and Professions Code §6787(a). The other charges against Madrid were dismissed. Imposition of sentence was suspended for three years under the conditions that Madrid pay restitution to the consumer in the amount of \$772.00 and to the Board for its investigative costs in the amount of \$1,750.00, perform

50 hours of volunteer community service, and not practice engineering without the appropriate license. In April 1994, the Court ordered the probationary period extended for an additional six months and allowed Madrid additional time to pay the restitution. In 1994, the Board investigated new allegations that Madrid, in late 1993 and early 1994, practiced civil engineering without the appropriate license and used the title "civil engineering" to misrepresent himself as able to practice civil engineering. On December 2, 1994, Madrid was charged with two misdemeanor counts of unlawfully using the term "civil engineering" on a document submitted to the City of Atascadero Building Division when he is not licensed as a civil engineer and of practicing or offering to practice civil engineering without legal authorization, violations of Business and Professions Code §§6732 and 6787(a). Additionally, on January 19, 1995, the Court ordered Madrid's probation in the first case revoked and issued a bench warrant due to his failure to pay restitution and appear at hearing. The two cases were also ordered combined by the Court for future proceedings. On April 21, 1998, as part of a plea bargain agreement, the charges filed against Madrid in December 1994 were dismissed in lieu of his admission that he had violated the probation as ordered in 1993. The Court ordered Madrid's probation extended for three years and ordered him to pay the restitution ordered in the 1993 case as well as additional restitution to the Board for its investigative costs in the second case in the amount of \$2,495.00.

## **MAEVERS, KEVIN LEE**

### **Unlicensed**

#### **June 14, 2000: Conditional 1-year sentence, obey all laws, pay fine**

The Board investigated a complaint that alleged Kevin Lee Maevers represented himself as a Civil Engineer, offered to practice civil engineering, and operated a civil engineering business. Maevers is not licensed by the Board. On August 13, 1999, Maevers was charged with four misdemeanor counts of unlawfully practicing civil engineering without a license, unlawfully representing himself as a civil engineer, unlawfully managing and conducting a civil engineering business without appropriate licensure, and unlawfully advertising and holding himself out as being entitled to practice architecture, violations of Business and Professions Code §§6787(a), (f), (g) and 5536(a). On June 14, 2000, in the Municipal Court of the Antelope Judicial District for the County of Los Angeles, Maevers entered a no contest plea to the charge of violating Business and Professions Code §6787(g), unlawfully managing and conducting a civil engineering business without appropriate licensure. The other charges against him were dismissed. The proceedings were suspended by a conditional sentence for one year on the conditions that Maevers obey all laws and orders of the court and pay a fine.

## **MAI, CUONG**

### **Unlicensed**

#### **January 5, 2001: 3 years conditional release, 30 days in county jail/weekend work program, \$2,800.00 fine**

The Board investigated a complaint that alleged Cuong Mai fraudulently altered someone else's Engineer-in-Training (EIT) certificate and presented it to the Board as his own as part of his application for licensure as a civil engineer and that he stated on his civil engineer application that he was issued an EIT certificate. Mai was not issued

an EIT certificate by this Board. On November 13, 2000, Mai was charged with a felony count of knowingly procuring and offering a false and forged instrument, his civil engineer application, to be filed, registered, and recorded in a public office, specifically the Board, violations of Penal Code §115(a). On January 5, 2001, in the Municipal Court for the County of Alameda, Mai entered a no contest plea to a lesser misdemeanor charge of violating Business and Professions Code §6787(h), using the title "Engineer-in-Training" without being so certified by the Board. Imposition of sentence was suspended, and Mai was placed on conditional, revocable release to the community for three years with conditions. These conditions included a 30-day jail term through the Alameda County Sheriff Weekend Work Program, a \$2,800.00 fine, and that he seek and maintain regular employment or attend school or job training.

**PELLIGRINI, RON**  
**INTER-TEC ENGINEERING**  
**Unlicensed**

**March 6, 1998: Charges against Pelligrini dismissed and filed against Inter-Tec Engineering instead; \$2,800.00 fine.**

The Board investigated a complaint that alleged Ron Pellegrini, the owner of Inter-Tec Engineering, offered to and did perform mechanical engineering regarding the design of a gunstock. Pelligrini is not licensed by the Board as a mechanical engineer nor were there any licensed mechanical engineers at Inter-Tec Engineering. On May 16, 1997, Pelligrini was charged with two misdemeanor counts of managing a professional engineering business without appropriate licensure and of offering and advertising professional engineering services without appropriate licensure, violations of Business and Professions Code §§6787(g) and 17500. On March 9, 1998, in the Municipal Court for the County of Santa Clara, the charges against Pelligrini were dismissed. However, the same charges were then filed against Inter-Tec Engineering, which entered a no contest plea to both charges. Inter-Tec Engineering was ordered to pay fines totaling \$2,800.00.

**SHAKER, CHANDRA MYSORE (a.k.a. SHEKHAR, CHANDRA)**  
**Unlicensed**

**April 8, 1999: 3 years probation, \$910.00 fine, \$2,397.00 reimbursement of investigative costs**

The Board investigated a complaint that alleged Chandra Shaker (a.k.a. Chandra Shekhar) represented himself as a "Registered Professional Engineer" and offered to practice civil engineering. Shaker is not licensed by the Board. On February 22, 1999, Shaker was charged with two misdemeanor counts of willfully and unlawfully using the title, or any combination of the titles, "professional engineer" or "registered engineer," without being appropriately licensed, and of willfully and unlawfully practicing and offering to practice civil engineering without being appropriately licensed, violations of Business and Professions Code §§6787(h) and (a). On April 8, 1999, in the Municipal Court for the County of Los Angeles, Shaker entered a no contest plea to the charge of violating Business and Professions Code §6787(h), using the title "Registered Professional Engineer" without being licensed by the Board. The other charge against him was dismissed. Imposition of sentence was suspended, and Shaker was placed on formal probation for three years with conditions. These conditions included a \$910.00



fine to the court and a requirement that Shaker pay the Board's investigative costs in the amount of \$2,397.00.

### **THIELEN, TERRY DARCY**

#### **Unlicensed**

**December 15, 1999: 3 years probation, 200 hours of volunteer work at a non-profit organization, \$13,310.00 restitution**

The Board investigated allegations that Terry Darcy Thielen fraudulently altered a professional engineer's license to misrepresent to the City of San Diego that he was licensed as a professional engineer in order to secure employment with the City. Thielen is not licensed by the Board. On November 12, 1999, Thielen was charged with a felony count of grand theft for taking and stealing money from the City of San Diego in excess of \$400.00, a violation of Penal Code §487(a). On December 15, 1999, in the Superior Court for the County of San Diego, Thielen entered a guilty plea to the reduced misdemeanor charge of violating Penal Code §487(a). Thielen was granted formal probation for three years with conditions. These conditions included a requirement that he perform 200 hours of volunteer work at a non-profit organization and that he pay \$13,310.00 restitution to the City of San Diego.

### **URQUIZA, LEO**

#### **Unlicensed**

**September 20, 2002, and January 7, 2003: 5 years formal probation, 54 days in jail, \$92,000.00 restitution**

The Board investigated allegations that Leo Urquiza was offering and practicing civil engineering and representing himself as a civil engineer; that he had fraudulently altered a professional engineer's stamp to make it appear as his own; and that he submitted civil engineering plans bearing the altered stamp and his signature to City of Compton Building Department. Urquiza is not licensed by the Board. On April 22, 1993, six felony counts were filed against Leo Urquiza alleging that he violated Penal Code §§115(a), 472, and 487.1 for offering forged instruments for filing (civil engineering plans), forging a professional engineering seal, and grand theft of property. An arrest warrant in the amount of \$250,000.00 was issued. On September 20, 2002, Urquiza appeared in the Municipal Court of the Compton Judicial District, County of Los Angeles, and entered a plea of no contest to one count of grand theft, a violation of Penal Code §487.1. The other charges against him were dismissed as part of the plea negotiation. On January 7, 2003, the Court suspended imposition of sentence and placed Urquiza on formal probation for five years. Urquiza was also ordered to serve 54 days in jail and to make restitution to the consumer in the amount of \$92,000.00.

### **VU, BILL DUNG**

#### **Unlicensed**

**July 18, 2001: 3 years probation, 130 hours of community service**

The Board investigated allegations that Bill Dung Vu impersonated professional engineers and forged professional engineers' stamps. Vu is not licensed by the Board. On June 20, 2001, Vu was charged with three felony counts for fraudulent use of a contractor's license and forgery, violations of Business and Professions Code §7027.3

and Penal Code §470(b) and (d), and with three misdemeanor counts for false use of a civil engineer's stamp and contracting without a license, violations of Business and Professions Code §§6732 and 7028. On July 18, 2001, in the Superior Court for the County of Los Angeles, Vu entered a guilty plea to one felony charge of forging an inspection record and one misdemeanor charge of contracting without a license. The other charges against Vu were dismissed. Vu was granted formal probation for three years with conditions. These conditions included a requirement that he perform 130 hours of community service, including 30 hours in a CalTrans Community Service program.

## **CITATIONS**

Citations are an alternative way to enforce the laws prohibiting unlicensed practice of engineering or land surveying. Citations are also issued to licensed engineers and land surveyors when the severity of a violation may not warrant suspension or revocation of a professional's license. When a fine is levied with a citation, payment of the fine represents satisfactory resolution of the matter but does not constitute an admission of any of the violations, pursuant to Business & Professions Code section 125.9(d). Certified copies of citations are available from the Board's Enforcement Unit for 10¢ per page plus a \$2 certification fee. Non-certified copies are free. Please include the subject's name and the citation number in your request. **All requests must be made in writing.**

### **ADAME, SALVADOR (a.k.a. SALVADOR, ADAME)**

**Unlicensed**

**Citation 5129-U**

**Final: March 3, 2003**

**Action: Order of Abatement; \$1000 fine**

Investigation revealed that Salvador Adame, who is also known as Adame Salvador, violated sections 6787(a), (b), and (d) of the Business and Professions Code. The records of the Board show that Salvador Adame is not licensed by the Board as a Professional Engineer, including under his alias. Investigation revealed that Adame altered a licensed civil engineer's drawings and submitted those drawings to a building department in order to obtain a permit for the construction of a new residence. Adame was ordered to cease and desist violating the law and to pay administrative fines to the Board in an amount totaling \$1,000.00.

### **ALEXANDER, DAVID**

**Unlicensed**

**Citation 5063-U**

**Final: March 30, 2001**

**Action: Order of Abatement, \$2,500 fine**

Investigation revealed that David Alexander, who is not a licensed engineer in the State of California, had stated on an application for a job in Texas that he was a licensed mechanical engineer and listed a specific mechanical engineer's license number, which

he identified as being issued by the State of California. The citation ordered Alexander to cease and desist from representing himself as a mechanical engineer licensed by the State of California and to pay an administrative fine of \$2,500.

**ANDERSON, CARL RICHARD**

**Land Surveyor L 4853**

**Citation 5079-L**

**Final: September 28, 2001**

**Action: Order of Abatement, \$750 fine**

An investigation revealed that Carl Richard Anderson, Land Surveyor License L 4853, violated Business and Professions Code section 8780(a) by misrepresenting surveying information on a parcel map he filed in Madera County in December 1996. The investigation revealed that Anderson's surveyor's statement on the map indicated that monuments tagged with his license number had been set on the property at the time the map was filed in 1996; however, it was determined that the monuments were not actually set until 1999 when the property owner contacted the firm at which Anderson was employed about the lack of monuments. The citation ordered Anderson to cease and desist violating the law and to pay an administrative fine to the Board in the amount of \$750.00. The administrative fine has been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violation(s) charged, but represents a satisfactory resolution of the matter.

**ARTIM, ERNEST R.**

**Unlicensed**

**Citation 5112-U**

**Final: July 26, 2002**

**Action: Order of Abatement; \$1000 fine**

Investigation revealed that Ernest R. Artim violated Section 6787(a) of the Business and Professions Code. The records of the Board show that Ernest R. Artim is not licensed by the Board as a Professional Engineer. Investigation revealed that Artim, who is licensed as an engineering geologist by the California Board for Geologists and Geophysicists, prepared engineering calculations to stabilize the foundations of two separate residential structures through the use of pipe piles. Preparation of such calculations constitutes the practice of civil engineering and falls outside the scope of Artim's engineering geologist license. Artim was ordered to cease and desist practicing civil engineering and to pay an administrative fine to the Board in the amount of \$1,000.00. The administrative fine has been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violations charged but represents a satisfactory resolution of the matter.

**AXELSON, GORDON KENNETH**

**Civil Engineer C 43786**

**Citation 5083-L**

**Final: August 12, 2002**

**Action: Order of Abatement, \$1000 fine**

An investigation revealed that Gordon Kenneth Axelson, Civil Engineer License C 43786, violated Business and Professions Code sections 8792(a), 8725, and 8726(c),

(g), and (h) by practicing land surveying without legal authority. The investigation revealed that Axelson showed boundary and easement information on a grading plan he prepared. Axelson's Civil Engineer License does not give him the authority to practice land surveying. The citation ordered Axelson to cease and desist violating the law and to pay an administrative fine to the Board in the amount of \$1,000.00. The administrative fine has been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violation(s) charged, but represents a satisfactory resolution of the matter.

**BRETZ, TIMOTHY**

**Unlicensed**

**Citation 5099-U**

**Final: September 16, 2002**

**Action: Order of Abatement; \$500 fine**

Investigation revealed that Timothy Bretz violated Sections 6787(b), (f), and (h) of the Business and Professions Code. The records of the Board show that Timothy Bretz is not licensed by the Board as a Professional Engineer. Investigation revealed that, in 1999, Bretz used the initials "P.E.," an abbreviation of a restricted title, on business cards, his resume, and fax cover sheets. The investigation further revealed that Bretz represented himself as a professional civil engineer on his resume and listed as his own a civil engineering license number that was issued to another individual. These violations occurred prior to the offense which resulted in his July 2000 conviction for using a fraudulent professional engineer's license. Bretz was ordered to cease and desist violating the law and to pay administrative fines to the Board in an amount totaling \$500.00. The administrative fines have been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violations charged but represents a satisfactory resolution of the matter.

**BRODY, STANFORD**

**Unlicensed**

**Citation 5081-U**

**Final: September 30, 2001**

**Action: Order of Abatement; \$2500 fine**

Investigation revealed that Stanford Brody violated sections 6787(a), (d), (f), (h), and (j) and 6732 of the Business and Professions Code. The records of the Board show that Stanford Brody is not licensed by the Board as a Professional Engineer. Investigation revealed that from 1996 through 1999, Brody was providing electrical and mechanical engineering services, representing himself as a licensed electrical and mechanical engineer, and using license numbers issued to other individuals as his own. Brody had been previously convicted, in 1992, in the Los Angeles Municipal Court of unlawfully practicing electrical and mechanical engineering. Brody was ordered to cease and desist violating the law and to pay administrative fines to the Board in an amount totaling \$2,500.00. The administrative fines have been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violations charged but represents a satisfactory resolution of the matter.

**CAO, TOM HONG**  
**Land Surveyor L 6924**  
**Citation 5084-L**

**Final: September 30, 2001**

**Action: Order of Abatement, \$1000 fine**

An investigation revealed that Tom Hong Cao, Land Surveyor License L 6924, violated Business and Professions Code sections 8762(d) and (e) and 8780(g), (a), and (b) for failing to file a record of survey, breach of contract, misrepresentation, and negligence in the practice of land surveying. The investigation revealed that Cao contracted to survey property in Arcadia, California, to set all four property corners, and to indicate the location of a wood fence on the property. During the survey, Cao set monuments and provided his clients with a plat showing the monuments that were set but not the location of the wood fence. Cao also submitted a Corner Record to the County of Los Angeles but was informed by the County that he was required to file a Record of Survey because the points and lines set during his survey were of a parcel not shown on an official map. Rather than filing the Record of Survey, Cao removed the two monuments that he had set that were not of record and resubmitted the Corner Record. Cao's failure to show all of the property he surveyed in the field and all of the monuments he set and his removal of monuments constitutes misrepresentation and negligence in his practice of land surveying. The citation ordered Cao to file the Record of Survey showing all four property corners he set and the location of the wood fence, as required by his contract, and to pay administrative fines to the Board in an amount totaling \$1,000.00. The Record of Survey has been filed, and the administrative fine has been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violation(s) charged, but represents a satisfactory resolution of the matter.

**CHEEK, GARY**  
**Civil Engineer C 36253**  
**Citation 5050-L**

**Final: October 6, 2000**

**Action: Order of Abatement; \$1000 fine**

An investigation determined that Gary Cheek, Civil Engineer License C 36253, had violated Business and Professions Code §6775 by failing to provide a written report following his visual inspection of water damage to an apartment building. Cheek's contract, for which he was paid in full, specified that a written report detailing the results of his inspection be provided to his client for submittal to his or her insurance company. The citation ordered Cheek to cease and desist from violating provisions of the Professional Engineers Act and pay an administrative fine in the amount of \$1,000. The fine has been paid in full. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violations charged but represents a satisfactory resolution of the matter.

**CLARK, ALAN B.**  
**Land Surveyor L 3064**  
**Citation 5072-L**  
**Final: July 7, 2001**

**Action: Order of Abatement, \$500 fine**

An investigation revealed that Alan B. Clark, Land Surveyor License L 3064, violated Business and Professions Code section 8762 by failing to timely file a record of survey with the County Surveyor's Office. The investigation revealed that Clark did not file the Record of Survey until approximately one year and nine months after completing the field survey. The citation ordered Clark to cease and desist violating the law and to pay an administrative fine to the Board in the amount of \$500.00. The administrative fine has been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violation(s) charged, but represents a satisfactory resolution of the matter.

**COMBS, JOHN EDWARD**  
**Land Surveyor L 4861**  
**Citation 5064-L**  
**Final: March 30, 2001**

**Action: Order of Abatement, \$500 Fine**

An investigation revealed that John Edward Combs, Land Surveyor License L 4861, had violated Business and Professions Code §8762 by failing to record a record of survey within 90 days after performing a field survey in September 1997. The investigation found that during Combs' 1997 survey, he had set monuments and established the boundary lines on a property located in San Bernardino County. The County Surveyor's office stated that they had not received notification that a survey was in progress on the property. Although Combs submitted a record of survey for map checking after being contacted by the Board, the investigation determined that Combs had violated Section 8767 by failing to resubmit the survey within 60 days of the date it was returned to him by the County. After being contacted again by the Board, Combs's survey was finally recorded over one year after receiving his first notification by the Board. The citation required that Combs cease and desist violating the laws relating to filing records of survey and pay an administrative fine in the amount of \$500.00.

**DALEY, MARK JAMES**  
**Mechanical Engineer M 27769**  
**Citation 5097-L**  
**Final: January 3, 2002**

**Action: Order of Abatement, \$250 fine**

An investigation revealed that Mark James Daley, whose Mechanical Engineer License M 27769, expired on June 30, 1996, and was not renewed and reinstated until August 13, 2002, violated Business and Professions Code sections 6787(h) and (j) and 6732 by using the initials "P.E.," an abbreviation of a restricted title, on business cards during the period his license was expired. The citation ordered Daley to cease and desist using any restricted titles, or abbreviations of those titles, until such time as his delinquent license was renewed and reinstated and to pay an administrative fine to the Board in the amount of \$250.00. The administrative fine has been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an

administrative fine does not constitute admission of any violation(s) charged, but represents a satisfactory resolution of the matter.

**DE SALVO, JOHN M.**

**Unlicensed**

**Citations 5105-U, 5106-U, 5107-U, 5108-U, 5109-U, 5110-U, and 5111-U**

**Final: March 31, 2002**

**Action: Orders of Abatement, \$1000 fine per citation**

**Citations 5113-U, 5114-U, 5115-U, 5116-U, and 5117-U**

**Final: September 20, 2002**

**Action: Orders of Abatement, \$1000 fine per citation**

Investigation of twelve separate projects revealed that John M. De Salvo violated sections 6787(d) and (j) and 6732 of the Business and Professions Code on each of the twelve projects. The records of the Board show that John M. De Salvo is not licensed by the Board as a Professional Engineer. Investigation revealed that De Salvo stamped electrical engineering plans for twelve separate projects located in Los Angeles, San Bernardino, Orange, and San Diego Counties with the stamp of an electrical engineer who had no involvement with any of the projects. Twelve separate citations were issued to De Salvo; each citation ordered him to cease and desist violating the law and to pay an administrative fine to the Board in the amount of \$1,000.00. All of the administrative fines have been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violations charged but represents a satisfactory resolution of the matter.

**DUNBAR, CURT GEORGE**

**Land Surveyor L 5615**

**Citation 5090-L**

**Final: November 30, 2001**

**Action: Order of Abatement, \$500 fine**

An investigation revealed that Curt George Dunbar, Land Surveyor License L 5615, violated Business and Professions Code section 8767 by twice failing to resubmit a record of survey to the San Mateo County Surveyor's Office within 60 days of receiving the map check corrections from the County. The citation ordered Dunbar to cease and desist violating the law and to pay an administrative fine to the Board in the amount of \$500.00. The administrative fine has been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violation(s) charged, but represents a satisfactory resolution of the matter.

**ELLZEY, J. D.**

**Land Surveyor L 2767**

**Citation 5070-L**

**Final: August 12, 2002**

**Action: Order of Abatement, \$500 fine**

An investigation revealed that J. D. Ellzey, Land Surveyor License L 2767, violated Business and Professions Code sections 8764(a) and (d) and 8767 by ignoring lines of occupation for the line in dispute and for failing to show evidence of occupation on his record of survey, information which was necessary for the interpretation of the



information shown on the map, and for failing to resubmit his record of survey to the County Surveyor within 60 days. The citation ordered Ellzey to file an amended record of survey for the property and to pay administrative fines to the Board in an amount totaling \$500.00.

**FRANK, DICK**

**Unlicensed**

**Citation 5123-U**

**Final: October 28, 2002**

**Action: Order of Abatement; \$500 fine**

Investigation revealed that Dick Frank violated sections 8792(g) and (h) of the Business and Professions Code. The records of the Board show that Dick Frank is not licensed by the Board as a Professional Land Surveyor. Investigation revealed that Frank listed himself as a land surveyor in his candidate's statement on a ballot for election to the Officer of the Assessor of San Luis Obispo County. Frank was ordered to cease and desist violating the law and to pay an administrative fine to the Board in the amount of \$500.00.

**GALLI, WILLIAM FRANKLIN**

**Civil Engineer C 37629**

**Citation 5069-L**

**Final: October 27, 2002**

**Action: Order of Abatement, \$7500 fine**

An investigation revealed that William Franklin Galli, whose Civil Engineer License C 37629, expired on September 30, 1998, violated Business and Professions Code sections 6733 and 6737(a) and (e) by performing civil/geotechnical engineering on several projects in California during the period his license was expired. The citation ordered Galli to cease and desist providing civil engineering services in California until such time as his delinquent license is renewed and reinstated and to pay administrative fines to the Board in an amount totaling \$7,500.00. The administrative fines have been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violation(s) charged, but represents a satisfactory resolution of the matter.

**GEIL, KENNETH D.**

**Civil Engineer C 14803**

**Citation 5082-L**

**Final: September 30, 2001**

**Action: Order of Abatement, \$750 fine**

An investigation revealed that Kenneth D. Geil, Civil Engineer License C 14803, violated Business and Professions Code section 8762 by failing to file a record of survey within 90 days of setting tagged monuments on a survey of property in Placer County. The citation ordered Geil to cease and desist violating the law and to pay an administrative fine to the Board in the amount of \$750.00. The administrative fine has been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violation(s) charged, but represents a satisfactory resolution of the matter.

**GORGE, EDWARD J.**  
**Civil Engineer C 22093**  
**Citation 5049-L**  
**Final: October 13, 2002**

**Action: Order of Abatement, \$1,750 fine**

An investigation revealed that Edward J. Gorge, Civil Engineer License C 22093, violated Business and Professions Code sections 8780(a), (c), and (f), 8762(d) and (e), and 8767 for failing to timely file and resubmit a record of survey of property where he had established points or lines that were not found on any official map and for negligence and breach of contract by failing to process the record of survey in a timely manner. The citation ordered Gorge to cease and desist violating the law and to pay administrative fines to the Board in an amount totaling \$1,750.00.

**GUEVARA, FERNANDO SEGOVIA**  
**Mechanical Engineer M 32231**  
**Citation 5125-L**  
**Final: October 30, 2002**

**Action: Order of Abatement, \$250 fine**

An investigation revealed that Fernando Segovia Guevara, whose Mechanical Engineer License M 32231 was issued by the Board on June 26, 2002, violated Business and Professions Code section 6787(h) by using the restricted title "Professional Engineer," or abbreviation of that title, prior to obtaining licensure in California. The citation ordered Guevara to obey all laws relating to the practice of professional engineering in California and to pay an administrative fine to the Board in the amount of \$250.00. The administrative fine has been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violation(s) charged, but represents a satisfactory resolution of the matter.

**GUTIERREZ, THOMAS STEPHEN**  
**Unlicensed**  
**Citation 5046-U**  
**Final: September 6, 2000**

**Action: Order of Abatement; \$1500 fine**

Investigation revealed that Thomas Stephen Gutierrez violated Business and Professions Code §§6787(a), (d), (f), (h), and (j). The records of the Board show that Thomas Stephen Gutierrez is not licensed by the Board as a Professional Engineer. Investigation revealed that he represented himself as a licensed civil engineer and offered civil engineering services without legal authorization; that he signed and stamped civil engineering documents with a seal containing his name and a fictitious license number; and that he stamped the documents with the seal of a professional engineer and forged that professional engineer's signature. Gutierrez was ordered to cease and desist violating the law and to pay administrative fines to the Board in an amount totaling \$1,500.00. The administrative fine has been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violations charged but represents a satisfactory resolution of the matter.

**HI GRADE MATERIALS CO.****Unlicensed****Citation 5103-U****Final: March 20, 2002****Action: Order of Abatement; \$1000 fine**

Investigation revealed that a May 1999 letter confirming testing of construction materials was fraudulently prepared by person or persons unknown in the employ of a company identified as Hi Grade Materials Co., a violation of section 6787(d) of the Business and Professions Code. The letter contained information on the results from testing of mortar sand and was submitted to the California Department of Transportation in conjunction with a concrete pour on a freeway project. The letter contained the names and signatures of two licensed civil engineers and the engineering stamp of one of those civil engineers. The investigation revealed that the May 1999 letter had been fraudulently prepared by altering a May 1998 letter that had been lawfully prepared, signed, and stamped by licensed civil engineers. It was determined that the falsification of the May 1999 letter was discovered before it was accepted as the materials testing criteria for the project and that a licensed engineer did prepare another letter confirming the satisfactory testing results of the materials. Hi Grade Materials Co., on behalf of its employees, was ordered to cease and desist violating the law and to pay an administrative fine to the Board in the amount of \$1,000.00. The administrative fine has been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violations charged but represents a satisfactory resolution of the matter.

**HILLMAN, RICHARD****Civil Engineer C 29265****Citation 5065-L****Final: March 30, 2001****Action: Order of Abatement, Fine \$500**

An investigation revealed that Richard Hillman, Civil Engineer License C 29265, violated Business and Professions Code sections 8762, 8771, and 8772 by failing to file a record of survey of a property located in Colfax, Placer County. In addition, he failed to set permanent and durable monuments on the property and he failed to tag the monuments he had set with his civil engineering license number. It was determined that Hillman was required to file a record of survey as the property boundary locations are not shown on an official map. Hillman was charged with failing to file a record of survey and was ordered to file his survey and pay the \$500.00 administrative fine. The administrative fine has been paid in full. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violations charged, but represents a satisfactory resolution of the matter.

**HOUSHMAND, ALIASGHER****Unlicensed****Citation 5040-U****Final: September 25, 2001****Action: Order of Abatement; \$750 fine**

Investigation revealed that Alisagher Houshmand violated sections 6787(f), (h), and (j) and 6732 of the Business and Professions Code. The records of the Board show that Alisagher Houshmand is not licensed by the Board as a Professional Engineer.

Investigation revealed that he represented that he was licensed as a civil engineer and used the initials "P.E." on his business cards and in signing contracts while working for the Department of the Navy at Camp Pendleton, California. Houshmand was ordered to cease and desist violating the law and to pay administrative fines to the Board in an amount totaling \$750.00. The administrative fines have been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violations charged but represents a satisfactory resolution of the matter.

**HOUSTON, STANLEY M. III**

**Unlicensed**

**Citation 5096-U**

**Final: December 30, 2001**

**Action: Order of Abatement; \$500 fine**

Investigation revealed that Stanley M. Houston III violated section 6787(h) of the Business and Professions Code. The records of the Board show that Stanley M. Houston III is not licensed by the Board as a Professional Engineer. Investigation revealed that Houston used the initials "P.E.," an abbreviation of a restricted titled, on his business cards. Houston was ordered to cease and desist violating the law and to pay an administrative fine to the Board in the amount of \$500.00.

**HUBER, RON**

**Unlicensed**

**Citation 5128-U**

**Final: January 20, 2003**

**Action: Order of Abatement; \$3000 fine**

Investigation revealed that Ron Huber violated sections 6787(a) and (g) of the Business and Professions Code. The records of the Board show that Ron Huber is not licensed by the Board as a Professional Engineer. Investigation revealed that Huber practiced and offered to practice civil engineering services and was illegally operating a business from which professional engineering was solicited, performed, and/or practiced without having a licensed engineer as a part-owner or officer of the business. Huber was ordered to cease and desist violating the law and to pay administrative fines to the Board in an amount totaling \$3,000.00.

**ITANI, RIAD HASSAN**

**Civil Engineer C 55688**

**Citation 5122-L**

**Final: October 28, 2002**

**Action: Order of Abatement, \$250 fine**

An investigation revealed that Riad Hassan Itani, Civil Engineer License C 55688, violated Business and Professions Code section 6749 by failing to enter into a written contract prior to commencing work on a civil engineering project. The investigation revealed that Itani provided civil engineering services to a client with whom he had not had a prior contractual relationship to provide engineering services and failed to enter into a written contract prior to providing his services. The citation ordered Itani to cease and desist violating the laws and to pay an administrative fine to the Board in the amount of \$250.00. The administrative fine has been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does

not constitute admission of any violation(s) charged, but represents a satisfactory resolution of the matter.

**MARTIN, MICHAEL STEPHEN**

**Land Surveyor L 4589**

**Citation 5071-L**

**Final: July 5, 2001**

**Action: Order of Abatement, \$2500 fine**

An investigation revealed that Michael Stephen Martin, Land Surveyor License L 4589, violated Business and Professions Code section 8762 by failing to either file a record of survey or to notify the County Surveyor's Office in writing of a delay in the filing within 90 days of setting tagged monuments. The citation ordered Martin to cease and desist violating the law and to pay an administrative fine to the Board in the amount of \$2,500.00. The administrative fine has been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violation(s) charged, but represents a satisfactory resolution of the matter.

**MARTINEZ, DANIEL LOPEZ**

**Land Surveyor L 6025**

**Citation 5087-L**

**Final: September 30, 2001**

**Action: Order of Abatement, \$500 fine**

An investigation revealed that Daniel Lopez Martinez, Land Surveyor License L 6025, violated Business and Professions Code sections 8780(d) and 8767 by failing to resubmit his record of survey to the County Surveyor's Office within 60 days of its return by the county surveyor. The citation ordered Martinez to record the survey and to pay an administrative fine to the Board in the amount of \$500.00. The survey has been recorded, and the administrative fine has been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violation(s) charged, but represents a satisfactory resolution of the matter.

**MASUDA, KEITH DOUGLAS**

**Land Surveyor L 6819; Civil Engineer C 53439**

**Citation 5045-L**

**Final: October 19, 2000**

**Action: Order of Abatement; \$500 fine**

An investigation revealed that Keith Douglas Masuda, Land Surveyor License L 6819 and Civil Engineer License C 53439, violated Business and Professions Code section 8767 by failing to resubmit a record of survey map within 60 days of the date the survey was returned for corrections by Placer County. The citation ordered Masuda to file the record of survey and pay an administrative fine to the Board in the amount of \$500. Masuda has complied with both of the orders. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violations charged but represents a satisfactory resolution of the matter.

**McGILLIS, JAMES****Land Surveyor L 4442****Citation 5066-L****Action: Order of Abatement; \$500 fine****Final: April 2, 2001**

An investigation revealed that James McGillis, Land Surveyor License L 4442, had violated Business and Professions Code sections 8780(d) and (g) by failing to complete a contract to provide land surveying services. The investigation revealed that McGillis had contracted in June of 1995 to complete improvement plans and record a Tract Map in the City of Nipomo, San Luis Obispo County. The documentation McGillis provided indicated that there was a problem with obtaining the right-of-way for the street accessing the property. At some point, McGillis had advised his client that he would either have to acquire additional property from their neighbor or pay San Luis Obispo \$25,000 to obtain a grant for the right-of-way. It was determined that McGillis had breached his contract, based on McGillis's own statements that he had been ignoring the project until he received notification from the Board and the lack of any supporting documentation to show that he had been working with other agencies to find a solution for the project. The citation ordered McGillis to cease and desist from violating provisions of the Professional Land Surveyors Act and pay an administrative fine in the amount of \$500. The fine has been paid in full. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violations charged but represents a satisfactory resolution of the matter.

**MOCK, STANLEY S.****Unlicensed****Citation 5092-U****Final: November 30, 2001****Action: Order of Abatement; \$2500 fine**

Investigation revealed that Stanley S. Mock violated sections 119(a)(2) and 8792(b), (e), and (g) of the Business and Professions Code. The records of the Board show that Stanley S. Mock is not licensed by the Board as a Professional Land Surveyor. Investigation revealed that Mock represented himself as being a California licensed land surveyor and submitted a fictitious copy of a California license in order to gain employment with a surveying firm in Texas. Mock was ordered to cease and desist violating the law and to pay administrative fines to the Board in an amount totaling \$2,500.00.

**MUNGIA, PHILLIP JR.****Unlicensed****Citation 5094-U****Final: December 30, 2001****Action: Order of Abatement; \$500 fine**

Investigation revealed that Phillip Mungia, Jr., violated section 6787(a) of the Business and Professions Code. The records of the Board show that Phillip Mungia, Jr., is not licensed by the Board as a Professional Engineer. Investigation revealed that Mungia distributed a business card identifying his business as "Mungia Design" and as being

legally authorized to offer architectural and engineering design services. Mungia was ordered to cease and desist violating the law and to pay an administrative fine to the Board in the amount of \$500.00.

**NGUYEN, DINH H.**

**Unlicensed**

**Citation 5078-U**

**Final: December 27, 2002**

**Action: Order of Abatement; \$500 fine**

Investigation revealed that Dinh Huu Nguyen violated sections 6787(h) and 6732 of the Business and Professions Code by using the initials "C.E.," the abbreviation of a restricted title, on documents submitted to the Board. The records of the Board show that Dinh Huu Nguyen's Civil Engineer license was revoked by the Board, effective March 18, 1999, and that reinstatement of that revoked license was denied by the Board effective August 20, 2000. Nguyen was ordered to cease and desist violating the law and to pay an administrative fine to the Board in the amount of \$500.00. The administrative fine has been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violations charged but represents a satisfactory resolution of the matter.

**RAMIRO, ARMANDO III (a.k.a. Armando Rainier and Armando Ranier)**

**Unlicensed**

**Citation 5095-U**

**Final: December 31, 2001**

**Action: Order of Abatement; \$2000 fine**

Investigation revealed that Armando Ramiro III, also known as Armando Rainier and Armando Ranier, violated sections 119(c) and (f) and 6787(d) and (f) of the Business and Professions Code. The records of the Board show that Armando Ramiro III is not licensed by the Board as a Professional Engineer, including under any of his aliases. Investigation revealed that Ramiro represented himself as a licensed civil engineer and had in his possession a civil engineering stamp indicating that he was a California licensed civil engineer. Ramiro was ordered to cease and desist violating the law and to pay administrative fines to the Board in an amount totaling \$2,000.00. The administrative fines have been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violations charged but represents a satisfactory resolution of the matter.

**RODRIGUEZ, FERNANDO**

**Land Surveyor L 4170**

**Citation 5048-L**

**Final: October 20, 2000**

**Action: \$500 fine**

An investigation revealed that Rodriguez violated Business and Professions Code sections 8762, 8765(d), and 8772. The violations are based upon an investigation which found that Rodriguez had performed a survey in June of 1998 but had failed to



submit either a record of survey or a corner record to the County Surveyor's Office within 90 days of setting monuments, as required by Sections 8762 and 8765(d). The investigation also found that the survey monuments that Rodriguez had originally set were not tagged with his land surveyor number as required by Section 8772. After being contacted by the Board during the investigation, Rodriguez filed the Corner Record as required. The citation ordered Rodriguez to pay an administrative fine to the Board in the amount of \$500. The fine has been paid in full. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violations charged but represents a satisfactory resolution of the matter.

**SHEN, ENGLÉS SZE LEE**

**Civil Engineer C 18906**

**Citation 5073-L**

**Final: July 7, 2001**

**Action: Order of Abatement, \$600 fine**

An investigation revealed that Engles Sze Lee Shen, Civil Engineer License C 18906, violated Business and Professions Code sections 136 and 8762 and Title 16, California Code of Regulations section 412. The investigation revealed that Shen failed to either file a record of survey or notify the County Surveyor's Office of any delay in the filing of a record of survey within 90 days of setting tagged monuments, as required by Business and Professions Code §8762. It was also determined that Shen failed to notify the Board within 30 days of a change of his address of record, as required by Section 136 and Board Rule 412. The citation ordered Shen to cease and desist violating the laws and to pay administrative fines to the Board in an amount totaling \$600.00. The administrative fines have been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violation(s) charged, but represents a satisfactory resolution of the matter.

**STUART, MARK REYNOLDS**

**Civil Engineer C 37782**

**Citation 5088-L**

**Final: March 30, 2002**

**Action: Order of Abatement, \$1000 fine**

An investigation revealed that Mark Reynolds Stuart, Civil Engineer License C 37782, violated Business and Professions Code sections 6787(e), (f), and (h) by using the initials "P.E.," an abbreviation of a restricted title. The investigation revealed that Stuart's license expired on December 31, 1996, and was not renewed and reinstated until July 24, 2001. It was further revealed that Stuart used the initials "P.E." after his name on two letters during the period his license was delinquent. The citation ordered Stuart to obey all laws governing the practice of civil engineering and to pay administrative fines to the Board in an amount totaling \$1,000.00. The administrative fine has been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violation(s) charged, but represents a satisfactory resolution of the matter.

**THINGGAARD, RAYMOND BRUCE****Land Surveyor L 3820****Citation 5075-L****Final: July 20, 2001****Action: Order of Abatement, \$250 fine**

An investigation revealed that Raymond Bruce Thinggaard, Land Surveyor License L 3820, violated Business and Professions Code section 8767 by twice failing to timely resubmit his survey to the San Mateo County Surveyor's Office within 60 days after it was returned by the county surveyor for revisions. The citation ordered Thinggaard to cease and desist violating the law and to pay an administrative fine to the Board in the amount of \$250.00.

**VAN HORN, MICHAEL JAY****Civil Engineer C 35615; Geotechnical Engineer GE 2047****Citation 5102-L****Final: March 30, 2002****Action: Order of Abatement, \$250 fine**

An investigation revealed that Michael Jay Van Horn, Civil and Geotechnical Engineer Licenses C 35615 and GE 2047, violated Business and Professions Code section 6749 by failing to enter into a written contract prior to providing services for which he billed a prospective client. The investigation revealed that Van Horn listed on an invoice hours spent in meeting with the prospective client and reviewing documents in order to determine the extent of the engineering services he would be providing on the project. During the investigation, Van Horn advised that it was necessary for him to use his engineering judgment in reviewing the documents in order to determine the engineering tasks that would be required. Therefore, Van Horn was providing engineering services and should have entered into a written contract with his client for the preliminary engineering work. The citation ordered Van Horn to cease and desist violating the laws and to pay an administrative fine to the Board in the amount of \$250.00. The administrative fine has been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violation(s) charged, but represents a satisfactory resolution of the matter.

**YUGE, THOMAS TSUTOMU****Civil Engineer C 29861****Citation 5091-L****Final: November 30, 2001****Action: Order of Abatement, \$750 fine**

An investigation revealed that Thomas Tsutomu Yuge, Civil Engineer License C 29861, violated Business and Professions Code sections 8771, 8762, and 8765, by failing to file a corner record with the County of Los Angeles after having reset monuments that were destroyed during the construction of a wheelchair ramp on the northwest corner of Victor Avenue and Spencer Street in the City of Torrance. The citation ordered Yuge to cease and desist violating the law and to pay an administrative fine to the Board in the amount of \$750.00. The administrative fine has been paid. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violation(s) charged, but represents a satisfactory resolution of the matter.

## DISCIPLINARY ACTIONS

Administrative disciplinary actions are taken by the Board against licensees who are in violation of the Professional Engineers Act and/or the Professional Land Surveyors' Act. Certified copies of these Board decisions may be obtained from the Board's Enforcement Unit at a charge of 10¢ per page plus a \$2 certification fee. Non-certified copies are available at no charge. Please include the subject's name and the Accusation number in your request. **All requests must be made in writing.**

### **Disciplinary Terminology**

Effective Date: The date the disciplinary action takes effect.

Probation: The licensee may continue to practice under specific terms and conditions.

Revocation or Revoked: The license is terminated, and the right to practice is ended.

Stayed: The order is delayed pending compliance with other conditions.

Suspension: The licensee is prohibited from practicing for a specific period of time.

Voluntary Surrender/Surrender of License: The license has been voluntarily returned to the Board, and the right to practice is ended. Voluntary surrender is usually as the result of a disciplinary action.

### **AFIFI, MEHRZAD (MIKE)**

**Civil Engineer C 45430**

**Accusation 697-A**

**Effective July 9, 2001: Public Reproval**

Accusation 697-A against Mehrzad (Mike) Afifi, Civil Engineer License C 12149, alleged that Afifi violated Business and Professions Code section 6775 by committing a violation of contract. Specifically, it alleged that Afifi prepared a plan for a consumer to add a second story to their house. The plan was not useful because it did not consider a Los Angeles Building Code Restriction. Afifi agreed to a stipulated settlement approved by the Board on July 9, 2001. Afifi stipulated to reimburse the consumers \$1,600.00, and reimburse the Board \$800.00 for its investigative and enforcement costs. If Afifi fails to provide proof that he has reimbursed these parties, his license will be automatically suspended, without further notice or hearing, until such time verifiable proof is provided to the Board.

### **ALLEN, RUPERT O.**

**Civil Engineer C 6586; Structural Engineer S 599**

**Accusation 650-A**

**Effective February 6, 2002: REVOKED**

The Board has taken disciplinary action against the Civil and Structural Engineer Licenses, C 6586 and S 599, issued to Rupert O. Allen, for violations of Business and Professions Code §6775(c) for negligence and incompetence in his structural engineering practice. At a hearing on the Accusation in this matter, it was established that Allen contracted to perform the engineering design of a residential structure located in Oxnard and to supervise and review the preparation of construction drawings for the same structure. The plans, drawings, and calculations prepared by, or under the responsible charge of, Allen were submitted to the building department for review and approval. It was further established that the plans, drawings, and calculations contained numerous errors and inconsistencies. Specifically, it was determined that Allen's calculation regarding the design of moment frames used different load cases for all

terms of the equation in his moment-area analysis; the holdown calculations were not included in the body of Alen's calculations; Alen's incorrect calculation of tributary width to the shear wall resulted in a shear wall inadequacy; Alen failed to properly calculate the foundation analysis in consideration of the addition of a second floor on a one-story structure; and Alen failed to properly and adequately review the drawings that were drafted by an unlicensed individual, so as to assure accuracy, completeness, and clarity prior to affixing his professional engineer's seal on the construction drawings. It was also determined that Alen's continued licensure provides a danger to the public. Therefore, Alen's Civil and Structural Engineer Licenses were ordered revoked.

**ALLEN, FREDRIC VERNON**

**Civil Engineer C 20702**

**Accusations 705-A & 720-A**

**Effective November 19, 2001: REVOKED**

Disciplinary action was taken against the Civil Engineer License, C 20702, issued to Fredric Vernon Allen for violations of Business and Professions Code sections 8780(g), 8780(d), 8761, and 8762, and for violations of Title 16, California Code of Regulations section 473.3(b). Allen breached his contract to perform land surveying services on property located in Burlingame. He also failed to sign and stamp a land surveying document, as required by Section 8761, that he submitted to the City of Burlingame for a permit application for the property, and he failed to file a record of survey after discovering a material discrepancy, as required by Section 8762. Additionally, Allen failed to comply with Citation Order No. 5052-L. In the Board's Default Decision and Order, which became effective on November 19, 2001, Fredric Vernon Allen's civil engineer license was revoked.

**ANDERSON, ROY ADRIAN**

**Civil Engineer C 51314**

**Accusation 714-A**

**Effective April 5, 2002: License revoked, revocation stayed; 60-day suspension; five years on probation**

Accusation 714-A alleged that Roy Adrian Anderson, Civil Engineer License C 51314, was subject to discipline under Business and Professions Code §6775(c) for negligence and incompetence on three separate projects for which he provided civil engineering services. It was specifically alleged that Anderson provided structural engineering design services for a one- and two-story concrete tilt-up office and warehouse commercial building in Rohnert Park; the plans and drawings Anderson prepared contained numerous errors and omissions, did not meet the minimum requirements of the Uniform Building Code (UBC), were incomplete, contained inconsistencies, and could not be coordinated with the structural calculations. The Accusation also alleged that Anderson entered into a contractual agreement to design a roof framing system for the purpose of installing a laundry room at a residence; it took Anderson approximately four months from the time that the contract was signed until final design and approval to deliver a \$300.00 structural design for an 11'x19', single level, conventional wood-frame building addition. It was alleged that Anderson's design for this project contained numerous errors, was incomplete, lacked critical details, and relied on the plan check comments by building officials to develop the design to make it adequate for the issuance of a building permit. It was also alleged that Anderson failed to oversee and supervise the quality of work done by employees before signing and stamping the

designs as required by the professional standards of practice. On the third project, Anderson allegedly contracted to provide structural design services for a two-story flood raising of an existing residence; his design shows two windows partially obscured by tie down straps. Effective April 5, 2002, the Board adopted a stipulated settlement agreement as its decision in this matter. In the stipulated settlement, Anderson agreed that the charges and allegations in the Accusation, if proven at an administrative hearing, would constitute cause for imposing discipline against his Civil Engineer license. Anderson also agreed that, at a hearing, a factual basis for the charges in the Accusation could be established; therefore, he agreed to be bound by the Board's disciplinary decision. In this decision, the Board ordered Anderson's license revoked; however that revocation was stayed, and Anderson was placed on probation for five years with certain terms and conditions. One condition ordered his license suspended for 60 days, beginning on the effective date of the decision. Other conditions required Anderson to successfully complete and pass three Board-approved college-level civil engineering courses and a Board-approved professional ethics course. Anderson was also required to have all of his professional engineering work reviewed by a Board-approved structural engineer or civil engineer who specializes in structural engineering; Anderson is still considered to be in responsible charge of all of the professional engineering work he performs. Additionally, Anderson must reimburse the Board for its investigative and enforcement costs in this matter in that amount of \$4,500.00.

**BERON, WALLACE MARK**

**Civil Engineer C 27697**

**Accusation 718-A**

**Effective May 24, 2002: Revoked, revocation stayed; 2 years on probation**

In a Stipulated Settlement and Disciplinary Order adopted by the Board, disciplinary action was taken against the Civil Engineer License, C 27697, issued to Wallace Mark Beron, pursuant to Title 16, California Code of Regulations section 473.3(b). In the stipulation, Beron admitted that he failed to comply with two citations, Nos. 5028-L and 5029-L previously issued to him. The decision of the Board, which became effective on May 24, 2002, ordered the revocation of Beron's civil engineer license. However, that revocation was stayed, and Beron was placed on probation for two years with terms and conditions. One condition required Beron to comply with Citation Nos. 5028-L and 5029-L by filing the Records of Survey as ordered in the citations. Other conditions required him to notify his clients and employers of the disciplinary action, to take and pass the California Laws and Board Rules examination, and to reimburse the Board's investigative and enforcement costs in the amount of \$1,249.00.

**CHAMPION, HERBERT R.**

**Civil Engineer C 8990**

**Accusation 721-A**

**Effective May 24, 2002: License surrendered**

Accusation 721-A alleged that the Civil Engineer License, C 8990, issued to Herbert R. Champion, of Moorpark, California, was subject to disciplinary action pursuant to Business and Professions Code §141 in that he was twice disciplined by the Nevada State Board of Professional Engineers and Land Surveyors for actions which if committed in California would constitute negligence and incompetence in his civil engineering practice, in violation of Business and Professions Code §6775(c). It was specifically alleged that Champion was disciplined by the Nevada Board for preparing

geotechnical investigation reports that failed to adequately discuss or design for the geologic/geotechnical conditions present at the subject properties. Additionally, it was alleged that the Nevada Board also disciplined Champion for preparing drainage study reports in which he failed to properly evaluate the upstream basin and failed to establish appropriate finish floor elevations to take into account a 100-year storm event. Effective May 24, 2002, the Board adopted a stipulated settlement agreement as its decision in this matter. In the stipulated settlement, Champion admitted the truth of each and every charge and allegation in the Accusation and agreed that cause existed to discipline his California Civil Engineer license. As part of the stipulated agreement, Champion agreed to surrender his license to the Board, causing him to lose all rights and privileges as a Civil Engineer in California, as of the effective date of the decision. Champion also agreed that he would not apply for licensure or petition for reinstatement of his surrendered license for three years from the effective date of the decision and that if he did ever apply for licensure or petition for reinstatement of his surrendered license, it would be treated as a new application for licensure and he would have to meet all laws, regulations, and procedures for licensure in effect at that time.

**CHAN, ANDREW KAI-KWONG**

**Civil Engineer C 31526; Structural Engineer S 3208**

**Accusation 733-A**

**Effective July 12, 2002: REVOKED**

Accusation 733-A alleged that Andrew Kai-Kwong Chan had subjected his Civil and Structural Engineer Licenses, C 31526 and S 3208, to disciplinary action for violations of Business and Professions Code §§119(a)(1) and (f), 6732, 6733, 6736, 6775(b) and (g), and 6787(e). Chan's licenses were suspended from August 2, 1999, through January 16, 2001, pursuant to Family Code §17520. Additionally, his licenses were expired from January 16, 2001, through January 25, 2001, due to non-payment of renewal fees. Upon payment of the renewal fees, Chan's licenses were renewed through December 31, 2004. However, on October 7, 2001, his licenses were again suspended pursuant to the Family Code. The Accusation alleged that during the periods when his licenses were either suspended or expired, Chan continued practicing structural engineering. It was specifically alleged that Chan stamped plans and other engineering documents using the title "Registered Professional Engineer" and failed to include the expiration date of his license when stamping the plans; that Chan used an expired and suspended license; and that he submitted to the City of Los Angeles a photocopy of a fraudulently altered pocket certificate showing an incorrect expiration date of his license for the purpose of obtaining building permits. Effective July 12, 2002, the Board issued a Default Decision and Order in this matter. This decision found that Chan violated the laws as alleged in the Accusation and ordered his Civil and Structural Engineer licenses revoked.

**CHIN, ILDEFONSO P.**

**Mechanical Engineer M 24868**

**Accusation 715-A**

**Effective August 23, 2002: License suspended, suspension stayed; two years probation**

Accusation 715-A alleged that Ildefonso P. Chin had subjected his Mechanical Engineer License M 24868 to disciplinary action in that he breached a contract and that he offered to practice and contracted to provide civil and architectural plans without legal

authority, in violation of Business and Professions Code §§6775(d) and (h) and 6730. It was specifically alleged that Chin contracted to prepare “construction drawings, notes, structural details, foundation plan, roof plan and framing, wall framing, window and door schedule, and finish schedule” for an auto repair shop. It was further alleged that Chin submitted the plans to the building department for plan checking; the building department returned the plans with 32 required revisions; Chin did not resubmit the plans. The Accusation alleged that Chin, a Licensed Mechanical Engineer, offered to practice and contracted to provide civil engineering services, even though he is not licensed as a civil engineer. Effective August 23, 2002, the Board adopted a stipulated settlement as its decision in this matter. In this stipulation, Chin agreed that the charges and allegations in the Accusation, if proven at a hearing, would constitute cause for imposing discipline against his Mechanical Engineer license. Chin also agreed that, at a hearing, a factual basis for the charges in the Accusation could be established; therefore, he agreed to be bound by the Board’s disciplinary decision. In this decision, the Board ordered Chin’s license suspended for two years; however that suspension was stayed, and Chin was placed on probation for a period of two years upon certain terms and conditions. Some of these conditions required Chin to successfully complete and pass a Board-approved professional ethics course and the California Laws and Board Rules examination. Chin is also required to reimburse the Board for its investigative and enforcement costs in the amount of \$2,294.75.

**COLARUSSO, ALFRED F., JR.**

**Civil Engineer C 34488**

**Accusation 728-A**

**Effective April 5, 2002: License revoked, revocation stayed; 120-day suspension; three years on probation**

Accusation 728-A alleged that Alfred F. Colarusso, Jr., Civil Engineer License C 34488, was subject to discipline under Business and Professions Code §6775(c) for negligence and incompetence in his practice of structural engineering. It was specifically alleged that Colarusso provided structural engineering plans to the City of San Jose Building Department for the design of a basement under an existing residence. It was alleged that the plans were rejected four times because they were incomplete, contained incorrect calculations, and did not meet the minimum requirements of the Uniform Building Code (UBC); for example, the plans only showed vertical loads and did not take into account earth pressure; they failed to include vertical and horizontal load calculations, wall design, and/or footing design for a fireplace wall; and they failed to include all basement walls and footings. After his plans and calculations were rejected the fourth time, Colarusso hired a Structural Engineer to revise the plans and calculations in order to secure a building permit for his client. Effective April 5, 2002, the Board adopted a stipulated settlement agreement as its decision in this matter. In the stipulated settlement, Colarusso admitted the truth of each and every charge and allegation in the Accusation and agreed to be bound by the Board’s disciplinary decision. In this decision, the Board ordered Colarusso’s license revoked; however that revocation was stayed, and Colarusso was placed on probation for three years with certain terms and conditions. One condition ordered his license suspended for 120 days, beginning on the effective date of the decision. Other conditions required Colarusso to successfully complete and pass four Board-approved college-level civil engineering courses and to take and pass the entire second division civil engineering examination, consisting of the 8-hour NCEES Principles and Practices examination and



the California Special Civil Seismic Principles and Engineering Surveying examinations. Colarusso was also required to have all of his structural engineering work reviewed by a Board-approved structural engineer or civil engineer who specializes in structural engineering; Colarusso is still considered to be in responsible charge of all of the professional engineering work he performs. Additionally, Colarusso must reimburse the Board for its investigative and enforcement costs in this matter in that amount of \$1,800.00.

**COPSEY, KIRK WILLIAM**

**Civil Engineer C 26920**

**Accusation 444-A**

**Effective November 8, 2002: Petition for Reinstatement granted; license reinstated, revoked, revocation stayed, 3 ½ years probation**

In October 1991, the Board ordered Kirk W. Copsey's Civil Engineer License C 26920 revoked for negligence and incompetence in his civil engineering practice. In May of 1993, the Board denied Copsey's first Petition for Reinstatement of Revoked License due to a lack of evidence of rehabilitation. In May 2002, Copsey filed a second Petition for Reinstatement of Revoked License. A hearing was held on this second Petition, at which time Copsey presented evidence of his efforts towards rehabilitation. Based on this evidence, the Board determined that cause existed to reinstate Copsey's Civil Engineer license on a probationary basis. Effective November 8, 2002, Copsey's license was reinstated and then revoked, with the revocation stayed, and Copsey placed on probation for a period of 3 ½ years upon certain terms and conditions. Under these conditions, Copsey is required to take and pass the California Laws and Board Rules examination within 60 days of the effective date of the decision, to take and pass a Board-approved college-level civil/structural engineering course within 3 years of the effective date of the decision, and to take and pass the California Special Civil Seismic Principles examination within 3 years of the effective date of the decision.

**DAVIS, GARY L.**

**Civil Engineer C 34540**

**Accusation 699-A**

**Effective December 13, 2002: License suspended; suspension stayed; 1 year probation**

Disciplinary action was taken against Civil Engineer License C 34540, issued to Gary L. Davis. It was determined that Davis violated Business and Professions Code §6775(c) for negligence in his civil engineering practice. It was found that, in 1997, Davis contracted to provide civil engineering services for the development of a condominium project located in Squaw Valley. It was further found that Davis failed to adequately document services he provided beyond the original contract scope on two invoices, thereby violating the standard of practice for professional civil engineers, which constitutes negligence in the practice of civil engineering. In its decision, effective December 13, 2002, the Board ordered Davis's Civil Engineer License suspended for 10 days. However, that suspension was stayed, and Davis was placed on probation for one year upon certain terms and conditions. These conditions included a requirement that Davis obey all laws and regulations relating to the practices of professional engineering and land surveying, that he submit special reports as the Board may require, and that he reimburse the Board for its investigative and enforcement costs in the amount of \$500.00.

**EDDY, ROBERT LEE**  
**Civil Engineer C 22958**  
**Accusation 702-A**

**Effective May 24, 2002: License revoked, revocation stayed; three years probation**

Accusation 698-A alleged that Robert Lee Eddy had subjected his Civil Engineer License C 44917 to disciplinary action for negligence and incompetence in his structural engineering practice, violations of Business and Professions Code §6775(c). It was alleged that, in 1996, Eddy entered into a contract to design a two-story single family residence in Hercules; the contract specified that the scope of work to be performed by Eddy was “architectural drawings showing elevations and floor plans; construction drawings showing structural components and details; engineering calculations to support drawings.” It was further alleged that Eddy signed and stamped the plans, which were then submitted to the City of Hercules for a building permit. The Accusation alleged that Eddy was negligent and incompetent in that he failed to provide the necessary plan content, materials specifications, vertical load design, lateral force design, geotechnical design parameters, and foundation design and failed to understand his engineering duties and obligations relating to plan preparation. Effective May 24, 2002, the Board adopted a stipulated settlement as its decision in this matter. In this stipulation, although Eddy denied the charges set forth in the Accusation, he agreed that the charges and allegations in the Accusation, if proven at an administrative hearing, would constitute cause for imposing discipline against his Civil Engineer license. Eddy also agreed that, at a hearing, a factual basis for the charges in the Accusation could be established; therefore, he agreed to be bound by the Board’s disciplinary decision. In this decision, the Board ordered Eddy’s license revoked; however that revocation was stayed, and Eddy was placed on probation for a period of three years upon certain terms and conditions. Some of these conditions required Eddy to successfully complete and pass three Board-approved college-level civil engineering courses, a Board-approved professional ethics course, and the California Laws and Board Rules examination. Eddy is also required to reimburse the Board for its investigative and enforcement costs in the amount of \$4,053.00.

**GANDHI, JAYANT LALLUBHAI**  
**Civil Engineer C 25569**  
**Accusation 731-A**

**Effective July 12, 2002: License revoked, revocation stayed; 60-day suspension; four years on probation**

Accusation 731-A alleged that Jayant Lallubhai Gandhi had subjected his Civil Engineer License C 25569 to disciplinary action for negligence in his practice of civil engineering on two separate projects, in violation of Business and Professions Code §6775(c). On one project, it was alleged that Gandhi prepared structural calculations for work to be performed on a house in San Jose and also signed and stamped the construction plans that had been prepared by an unlicensed draftsman. The Accusation alleged that the project went through four submittals to the Building Department, each time being returned with lists of numerous corrections. It was alleged that the plans, which were signed and stamped by Gandhi, were incomplete and not prepared in conformance with generally accepted practices or professional standards and that Gandhi did not adequately review or check the plans prior to signing and stamping them. On the second project, the Accusation alleged that Gandhi was retained to do engineering calculations and to review the construction plans prepared by the unlicensed draftsman

in order to take responsibility for the engineering design for an addition to an existing residence in Hayward. It was alleged that the plans, which Gandhi signed and stamped, were incomplete and not prepared in conformance with generally accepted practices or professional standards and that Gandhi did not adequately review or check the plans prior to signing and stamping them. Furthermore, the Accusation alleged that Gandhi failed to file an Organization Record form, as required by Business and Professions Code section 6738, showing the fictitious business name of his company, "Jay Consulting." Effective July 12, 2002, the Board adopted a stipulated settlement as its decision in this matter. In this stipulation, Gandhi admitted the truth of each and every charge and allegation in the Accusation. Gandhi also agreed that his Civil Engineer license is subject to discipline and agreed to be bound by the Board's disciplinary decision. In this decision, the Board ordered Gandhi's license revoked; however that revocation was stayed, and Gandhi was placed on probation for a period of five years upon certain terms and conditions. Some of the conditions required Gandhi to successfully complete and pass three Board-approved college-level courses specifically related to the area of violation, a Board-approved professional ethics course, the California Laws and Board Rules examination, and the California Special Civil Seismic Principles and Engineering Surveying examinations. Additionally, Gandhi is required to pay restitution to his clients in the total amount of \$2,700.00 and to reimburse the Board for its investigative and enforcement costs in the amount of \$4,165.77.

**GODINA, RICHARD JOSEPH**

**Civil Engineer C 33038**

**Accusation 690-A**

**Effective April 5, 2002: Revoked, revocation stayed; 15-day suspension; three years on probation**

Accusation 690-A alleged that Richard Joseph Godina, Civil Engineer License C 33038, entered into contractual agreements with a client to perform engineering work on four projects. It was alleged that Godina billed and accepted payment in the amount of \$18,252.83 for a portion of the work, but that, at the direction of the client, work was suspended on the projects for some time. It was further alleged that when the client then requested that Godina provide him with the project files for one of the projects so that he could complete the project before the county imposed additional fees to renew or extend the tentative subdivision map, Godina initially refused, then agreed to do so, then failed to provide the client with all of the necessary documents and files, which in turn caused the client to be unable to record the final map before the expiration date of the tentative approval. The Accusation alleged that these actions by Godina constitute a violation of Business and Professions Code §6775(d) for breach or violation of contract by unreasonably delaying and denying providing copies of the project file documents to his clients. Effective April 5, 2002, the Board adopted a stipulated settlement as its decision in this matter. In this stipulation, Godina agreed that the charges and allegations in the Accusation, if proven at a hearing, constitute cause for imposing discipline upon his Civil Engineer and agreed that, at a hearing, a factual basis for the charges in the Accusation could be established. Godina further agreed that his license was subject to discipline and agreed to be bound by the Board's disciplinary decision. In this decision, the Board ordered the revocation of Godina's license; however, that revocation was stayed, and Godina was placed on probation for a period of three years upon certain terms and conditions. One condition ordered Godina's

license suspended for 15 days, beginning on the effective date of the decision. Other conditions required Godina to take and pass the California Laws and Board Rules examination, a Board-approved college-level course specifically related to the area of violation, and a Board-approved professional ethics course. Godina is also required to reimburse the Board for its investigative and enforcement costs in the amount of \$7,500.00.

**HANKS, WILLIAM J.**

**Land Surveyor L 6883**

**Accusation 646-A**

**Effective February 21, 2003: REVOKED**

Effective February 21, 2003, the Board issued a Default Decision and Order in the Matter of the Petition to Revoke Probation against William J. Hanks, Land Surveyor License L 6883. The Board found that Hanks failed to comply with the terms and conditions of probation ordered in a previous disciplinary decision that became effective in October 2000. Based on his failure to comply with the probationary order, the Board ordered Hanks' license revoked.

**HUME, THOMAS WILFRED**

**Civil Engineer C 50647**

**Accusation 734-A**

**Effective February 21, 2003: License revoked, revocation stayed; three years on probation**

Accusation 734-A alleged that Thomas Wilfred Hume had subjected his Civil Engineer License C 50647 to disciplinary action for negligence or incompetence in his practice of civil engineering, in violation of Business and Professions Code §6775(c). It was alleged that Hume was retained by a property owner to prepare grading plans for the improvement of an existing easement road which ran across neighboring property and to design a temporary shoring of a bridge located on the easement road for the property, which is located in Cayucos, San Luis Obispo County. Additionally, it was alleged that Hume prepared the Grading and Construction Plans and provided a design for roads improvements and for the temporary shoring of a bridge located on the easement to allow cattle and trucks to cross; Hume was to design engineering plans and specifications for the installation of various 60" and 66" diameter pipes in culverts by the bridge per the specifications provided by the distributor of the pipes; Hume designed the plan for construction of the roadway embankment with two 10-foot diameter culverts upstream, resulting in the water level "overtopping" the roadway embankment and causing damage and harm to the property. The Accusation specifically alleged that the plans were vague and incomplete, contained inadequate specifications, and did not comply with the County's requirements. Effective February 21, 2003, the Board adopted a stipulated settlement as its decision in this matter. In this stipulation, Hume admitted the truth of each and every charge and allegation in the Accusation. Hume also agreed that his Civil Engineer license is subject to discipline and agreed to be bound by the Board's disciplinary decision. In this decision, the Board ordered Hume's license revoked; however that revocation was stayed, and Hume was placed on probation for a period of three years upon certain terms and conditions. Some of the conditions required Hume to successfully complete

and pass one Board-approved college-level civil engineering course, a Board-approved professional ethics course, and the California Laws and Board Rules examination. Additionally, Hume is required to reimburse the Board for its investigative and enforcement costs in the amount of \$9,139.94.

**KOLLERBOHM, FRED ALANIZ**

**Civil Engineer C 28764**

**Accusation 654-A**

**Effective July 6, 1999: Probation extended two years**

Accusation 654-A, which was filed in October 1998, alleged that Fred Alaniz Kollerbohm, Civil Engineer License C 28764, entered into a contract to design a second floor addition to an existing residence in Oakland. Kollerbohm allegedly stamped all of the plans and drawings that were submitted to the City of Oakland for permits. The plans were allegedly deficient in that they did not provide details to retrofit the existing walls to meet current building codes; the seismic design in the plans used the wrong coefficient, causing a 33% under design for lateral loads; Kollerbohm's use of 2000psf capacity in the plans for the foundation design exceeds the UBC minimum allowable capacity without first obtaining a soils report; the plans did not show correct parcel information; and the plans did not provide for a three-hour floor separation and five foot parapet as required by the UBC. The Accusation alleged that these failures in the plans signed and stamped by Kollerbohm constitute negligence and/or incompetence in violation of Business and Professions Code §6775. Additionally, the Accusation alleged that Kollerbohm provided testimony in the Alameda Superior Court in an action related to the residence in which Kollerbohm testified that he was structural engineer, when in fact he was not issued an authority to use that title, in violation of Business and Professions Code §6763. Effective July 6, 1999, the Board adopted a Stipulation in Settlement as its decision in Case No. 654-A. In this stipulation, Kollerbohm, without making specific admissions, stipulated that there was a factual basis for the imposition of discipline based upon the totality of the matters alleged in the Accusation. In this decision, the Board ordered the revocation of Kollerbohm's license, and the stay of that revocation, as ordered in a previous disciplinary decision (Accusation No. 617-A), which became effective in February 1997, to remain in effect. The Board further ordered that the previously-ordered three-year probationary period be extended for two years, upon certain additional terms and conditions. Kollerbohm was required to complete and pass a Board-approved college-level course in structural engineering. He was also required to submit quarterly reports on his current projects and reimburse the Board \$4,500 for costs of investigation and enforcement. Kollerbohm was required to pay \$1,840 restitution to the homeowner according to an agreed payment schedule.

**LAROE, MICHAEL CARLOS**

**Civil Engineer C 22783**

**Accusations 638-A & 717-A**

**Effective June 21, 2002: Authority to practice land surveying suspended for two years**

Effective June 21, 2002, the Board issued a decision in the Matter of the Accusation and Petitions to Revoke Probation, Case Nos. 638-A & 717-A, against Michael Carlos Laroue, Civil Engineer License C 22783. It was found that Laroue had violated terms and conditions of probation ordered in a previous disciplinary decision (Accusation 638-A), which became effective in March 1999, by failing to file the two records of

survey, failing to reimburse the Board's investigative and enforcement costs, and failing to obey all laws and regulations relating to the practice of land surveying while on probation. It was also found that Laroue performed a survey in August 1999 and failed and refused to file a Corner Record or Record of Survey within 90 days as required by Business and Professions Code §8762. Laroue's failure to file the required record map with the County of Los Angeles was found to constitute negligence in his land surveying practice in violation of Business and Professions Code §8780(b). This decision ordered Laroue's authority to practice land surveying under his Civil Engineer License suspended for 2 years from the effective date of the decision. Laroue is still allowed to practice civil engineering during the 2-year suspension; however, he cannot practice or offer to practice land surveying. [Laroue is not licensed by the Board as a Professional Land Surveyor.] The decision also ordered Laroue to reimburse the Board for its investigative and enforcement costs in the two cases in the total amount of \$13,450.50. Laroue filed an appeal of the Board's decision with the Los Angeles County Superior Court. The Superior Court upheld the Board's decision. Laroue then filed an appeal of the Superior Court's ruling with the Court of Appeals. As of June 2003, that matter is still pending. However, neither court has issued a stay of the Board's decision pending a ruling on Laroue's appeal.

#### **LUBIN, JAMES BRUCE**

##### **Accusation 689-A**

**Effective July 9, 2001: Civil Engineer C 12149 Surrendered; Civil Engineer C 54787 issued**

Accusation 689-A against James Bruce Lubin, Civil Engineer License C 12149, alleged that Lubin violated Business and Professions Code sections 8780(a) and (c) and 8772 by negligently and incompetently practicing land surveying on twenty-two separate projects in San Francisco. Specifically, it alleged that Lubin prepared incomplete and incorrect land surveys. Lubin agreed to a stipulated settlement adopted by the Board on July 9, 2001. Lubin stipulated to surrender his license as a civil engineer, and the Board agreed to issue a new civil engineer license that does not allow the practice of land surveying, effective December 31, 2001. Between the time the Board adopted the stipulation on July 9, 2001, and the effective date of the surrender, Lubin was allowed to continue the practice of land surveying only on projects commenced prior to the effective date of this decision. Lubin also agreed to reimburse the Board for its investigative costs in the amount of \$16,538.71 by November 30, 2001. Effective December 31, 2001, Lubin surrendered Civil Engineer License C 12149 to the Board, and the Board issued Civil Engineer License C 54787 to him. Lubin is no longer authorized to practice land surveying in California.

#### **MARSHALL, CRAIG L.**

##### **Civil Engineer C 45951**

##### **Accusation 657-A**

**Effective May 24, 2002: Previously-ordered probationary conditions extended until December 31, 2002**

Effective May 24, 2002, the Board issued a Decision in the Matter of the Second Petition to Revoke Probation against Craig L. Marshall, Civil Engineer License C 45951. It was found that Marshall failed to timely submit an appropriate college-level course for

the approval of the Board or its designee and failed to successfully complete and pass a Board-approved college-level course as required by probationary conditions ordered and modified by previous disciplinary decisions issued by the Board in May 1999 and August 2000. Marshall had complied with all of the other probationary conditions. The Decision ordered that, effective December 31, 2002, Marshall's Civil Engineer License would be revoked, unless prior to that date, he completed a Board-approved college-level course and reimbursed the Board \$1,792.00 for its investigative and enforcement costs in this matter. Marshall completed these requirements by December 31, 2002.

**McGUIRE, EARL**

**Civil Engineer C 16463**

**Accusation 738-A**

**Effective May 23, 2003: Revoked, revocation stayed; 15-day suspension; five years on probation**

Disciplinary action has been taken against Earl Fox McGuire, Civil Engineer License C 16463, for deceit, fraud, misrepresentation, and breach of contract in his professional engineering practice, violations of Business and Professions Code §§6775(b) and (d). In a stipulated settlement agreement adopted by the Board as its decision in this matter, McGuire admitted that he committed deceit, fraud, and misrepresentation by falsely representing to his employees that his civil engineering firm, Earl McGuire Consulting, would participate in a health and insurance plan allowing his employees group medical insurance should they pay the premiums, failing to inform his employees that the medical insurance had been cancelled, and taking payroll deductions from his employees for health and supplemental insurance coverage even after the coverage was cancelled. McGuire also admitted that he breached and violated his contracts with his employees to provide health and supplemental coverage. In its decision, effective May 23, 2003, the Board ordered McGuire's Civil Engineer License revoked. However, that revocation was stayed, and McGuire was placed on probation for five years upon certain terms and conditions. One condition orders McGuire's license suspended for 15 days, beginning on the effective date of the decision. Other conditions required McGuire to successfully complete and pass a Board-approved advanced professional ethics course and to take and pass the California Laws and Board Rules examination. McGuire is also required to provide proof to the Board that he has paid restitution to his employees for the insurance premiums that were deducted from their paychecks after the cancellation of the insurance coverage and to reimburse the Board for its investigative and enforcement costs in this matter in the amount of \$2,500.00.

**McKINNEY, EARL F.**

**Mechanical Engineer M 18456**

**Accusation 696-A**

**Effective August 23, 2002: License suspended, suspension stayed; two years probation**

Accusation 715-A alleged that Earl F. McKinney had subjected his Mechanical Engineer License M 18456 to disciplinary action pursuant to Business and Professions Code §141 in that he has been disciplined by the professional engineering licensing boards in numerous other states for actions which would constitute violations of the Business and Professions Code if committed in California. The Accusation also alleged the McKinney

signed and stamped engineering documents during a period in which his license was expired due to non-payment of renewal fees, in violation of Business and Professions Code §§6775(h), 6733, and 6787(e). It was further alleged that McKinney practiced electrical engineering without legal authority by preparing electrical engineering drawings without legal authority, in violation of Business and Professions Code §§6775(h) and 6730. McKinney, as a Licensed Mechanical Engineer, is not authorized to practice electrical engineering. Effective August 23, 2002, the Board adopted a stipulated settlement as its decision in this matter. In this stipulation, McKinney admitted that his Mechanical Engineer license was subject to disciplinary action in California based on the disciplinary actions taken by other states. McKinney also admitted that he signed and stamped engineering documents while his license was expired. Furthermore, McKinney admitted that he signed and stamped electrical engineering plans as a Mechanical Engineer and that he was not legally authorized to sign and stamp electrical engineering documents since he is not licensed in California as an Electrical Engineer. In mitigation, McKinney advised that, at the time he signed and stamped the electrical engineering plans, he believed they were incidental to the overall project, and, therefore, an Electrical Engineer's stamp was not required. McKinney agreed that he had subjected his Mechanical Engineer license to discipline based on these violations. In this decision, the Board ordered McKinney's license suspended for two years; however that suspension was stayed, and McKinney was placed on probation for a period of two years upon certain terms and conditions. Some of these conditions required McKinney to successfully complete and pass a Board-approved professional ethics course and the California Laws and Board Rules examination. McKinney is also required to reimburse the Board for its investigative and enforcement costs in the amount of \$9,458.00. Additionally, McKinney is required to advise the Board of any disciplinary action taken against his professional engineer licenses in other states and jurisdictions.

#### **McMATH, DONALD HALL**

**Land Surveyor L 4750**

**Accusation 726-A**

**Effective April 5, 2002: License revoked, revocation stayed; 30-day suspension; four years on probation**

Accusation 726-A alleged that Donald Hall McMath, Land Surveyor L 4750, was subject to discipline under Business and Professions Code §§8780(d) and 8780(g), 8762, and 8767 for breach of contract and failure to timely file and resubmit records of survey on two separate projects. It was alleged that McMath contracted to perform a survey of property located in Mendocino County and to file a Record of Survey; McMath received a deposit of \$5,000 in connection with this project. McMath allegedly performed a field survey and set monuments in September 1999, but as of May 2001, had not filed the Record of Survey. On the second project, it was alleged that McMath contracted to perform a survey of property also located in Mendocino County and to file a Record of Survey. It was alleged that McMath performed his field survey in September 1998 but did not submit the Record of Survey to the County until December 2000; the survey was returned to McMath by the County for corrections and, as of July 2001, McMath had not resubmitted the Record of Survey to the County as required by law. Effective April 5, 2002, the Board adopted a stipulated settlement agreement as its decision in this matter. In the stipulated settlement, McMath admitted the truth of each and every



charge and allegation in the Accusation and agreed to be bound by the Board's disciplinary decision. In this decision, the Board ordered McMath's Land Surveyor license revoked; however that revocation was stayed, and McMath was placed on probation for four years with certain terms and conditions. One condition ordered his license suspended for 30 days, beginning on the effective date of the decision. Other conditions required McMath to successfully complete and pass one Board-approved college-level land surveying course, and a Board-approved course in professional ethics. McMath was also required to have all of his land surveying work reviewed by a Board-approved land surveyor or civil engineer legally authorized to practice land surveying who specializes in land surveying; McMath is still considered to be in responsible charge of all of the professional land surveying work he performs. Additionally, McMath must file the two Records of Survey and provide copies of the recorded maps to his clients and must reimburse the Board for its investigative and enforcement costs in this matter in that amount of \$1,887.00.

**MILLER, DUANE KEITH**

**Civil Engineer C 29490**

**Accusation 709-A**

**Effective October 4, 2002: License revoked, revocation stayed, 2 years probation**

Disciplinary action was taken against Civil Engineer License C 29490, issued to Duane Keith Miller. It was determined that Miller committed negligence in his land surveying practice, in violation of Business and Professions Code §8780(b), on two projects in Shasta County. It was found that Miller was hired, in 1999, to survey property located in Redding and subdivide it into lots for sale. Miller prepared and filed a Parcel Map for this project. Miller was negligent in his work on this project for failing to accept a corner monument that he located 0.22' (less than 3") from where a prior recorded map indicated it was located; for misidentifying on his map the markings on a monument and failing to check earlier recorded maps to verify the marking; for failing to carefully check his work and that of his field crew; and for failing to fulfill his responsibility to ensure that the information on the map was clear and understandable before he signed and stamped it. Additionally, it was determined that Miller, as the licensee whose stamp and signature appear on the maps, is responsible not only for the accuracy, clarity, and understandability of his own work, but also for that of his field crew and staff. Furthermore, it was found that Miller was hired, in 1997, to survey property located in Redding, for which he filed maps with the County of Shasta. Miller was negligent in his work on this project for rejecting existing centerline monuments on a street as being out of position without providing substantial information as a basis for that statement and for locating the southern boundary line without using controlling monuments or providing supporting data and an explanation of how he established it. Without this information, anyone relying on Miller's maps would have no way of determining the validity of his opinion and the accuracy of his map. In its decision, effective October 4, 2002, the Board ordered Miller's Civil Engineer License revoked. However, that revocation was stayed, and Miller was placed on probation for two years upon certain terms and conditions. These conditions included a requirement that Miller successfully complete and pass two Board-approved college-level courses specifically related to the areas of violation and that he reimburse the Board for its investigative and enforcement costs in the amount of \$12,564.50.

**NEWMAN, MORTON**  
**Civil Engineer C 10451**  
**Accusation 688-A**

**Effective July 12, 2002: License revoked, revocation stayed; 60-day suspension; four years on probation**

Accusation 688-A alleged that Morton Newman had subjected his Civil Engineer License C 10451 to disciplinary action for negligence in his practice of civil engineering, in violation of Business and Professions Code §6775(c). It was alleged that Newman entered into an agreement for the structural design of a shopping center to be constructed in Santa Clarita; Newman prepared structural design drawings for five new retail buildings. The Accusation alleged that the structural drawings prepared by Newman were deficient due to internal conflicts, missing details, and misreferenced details, which resulted in constructability problems and delays in construction, and that the structural drawings and calculations contained errors and omissions which caused interruptions in load paths and represented major weaknesses in the buildings' lateral load resisting system. Effective July 12, 2002, the Board adopted a stipulated settlement as its decision in this matter. In this stipulation, Newman admitted that, while in practice as a professional engineer and preparing structural design and drawing plans for the project, he was guilty of negligence in that a detail for one of the buildings specifies a strap that is not actually manufactured; that a detail for second building contained an incorrect reference; and that a detail for a third building that is referenced for typical footings is actually a roof framing detail. Newman agreed that his Civil Engineer license is subject to discipline and agreed to be bound by the Board's disciplinary decision. In this decision, the Board ordered Newman's license revoked; however that revocation was stayed, and Newman was placed on probation for a period of four years upon certain terms and conditions. One condition ordered Newman's license suspended for 60 days, beginning on the effective date of the decision. Other conditions required Newman to successfully complete and pass three Board-approved college-level civil engineering courses, a Board-approved professional ethics course, and the California Laws and Board Rules examination. Additionally, Newman is required to reimburse the Board for its investigative and enforcement costs in the amount of \$4,000.00.

**NIMS, JAMES FRANKLYN**  
**Civil Engineer C 33925**  
**Accusation 729-A**

**Effective August 23, 2002: REVOKED**

Disciplinary action was taken against James Franklyn Nims, Civil Engineer License C 33925, pursuant to Business and Professions Code §141, based on disciplinary action taken against Nims by the Washington State Board of Registration for Professional Engineers and Land Surveyors. In July 2000, the Washington Board issued a decision revoking Nims' professional engineer license in Washington. The Washington Board found that Nims performed engineering design services for numerous on-site wastewater treatment systems and on-site sewage disposal systems and that his designs failed to meet the minimum standards of the state and county Departments of Health regulations. These actions by Nims, if committed in California, would constitute negligence and incompetence in his civil engineering practice, in violation of Business and Professions Code §6775(c). Nims failed to appear at a hearing on the charges brought against him in California, even after receiving notice of

the date and time of the hearing. Therefore, the Board issued a Default Decision and Order in this matter. This decision ordered Nims' California Civil Engineer License revoked, effective August 23, 2002.

**READER, MARK S.**

**Civil Engineer C 44917**

**Accusation 698-A**

**Effective April 5, 2002: Suspended, suspension stayed; two years probation**

Accusation 698-A alleged that Mark S. Reader, Civil Engineer License C 44917, prepared structural calculations pertaining to the replacement of a wood shake roof with a cement tile roof at a single family residence in Westminster. It also alleged that Reader violated Business and Professions Code §6775(c) for negligence in his civil engineering practice in that the calculations did not address the effects of the increased load from the cement tile roof on the header in the garage. Effective April 5, 2002, the Board adopted a stipulated settlement as its decision in this matter. In this stipulation, Reader admitted that he prepared structural calculations pertaining to the replacement of a wood shake roof with a cement tile roof. Reader agreed that the charges concerning the garage header, if proven at an administrative hearing, would constitute cause for imposing discipline against his Civil Engineer license. Reader also agreed to be bound by the Board's disciplinary decision. In this decision, the Board ordered Reader's license suspended for two years; however, that suspension was stayed, and Reader was placed on probation for a period of two years upon certain terms and conditions. Two of the conditions required Reader to pay restitution to the homeowner in the amount of \$7,000.00 and to reimburse the Board for its investigative and enforcement costs in the amount of \$5,689.50.

**REED, WILLIAM DAVIS**

**Civil Engineer C 35784**

**Accusation 716-A**

**Effective May 3, 2002: REVOKED**

The Board issued a decision in the Matter of the Accusation and Petition to Revoke Probation, Case No. 716-A, effective May 3, 2002, against William Davis Reed, Civil Engineer C 35784. It was found that Reed had entered into an oral contract in 1999 to prepare civil engineering plans for the construction of a custom home in San Joaquin County; Reed agreed to provide complete plans that would be adequate to build the house and to satisfy the county requirements for construction. Reed was paid in full but failed to provide the plans as required and demanded further payment from his client. It was also found that the plans Reed did prepare were incomplete, contained errors and discrepancies, and did not meet the requirements of San Joaquin County. Additionally, it was found that Reed had violated the terms and conditions of probation ordered in a previous disciplinary decision (Accusation 560-A, effective December 16, 1994) by engaging in the solo practice of civil engineering during the period of probation, by failing to obtain Board approval of his employment or association involving professional engineering, and by failing to obey all laws and regulations during the period of probation. Reed originally chose not to contest the allegations against him and advised the Board that he had no further use for his Civil Engineer License. The Board then issued a Default Decision, based on Reed's notification that he would not contest the

charges, and ordered his license revoked. Reed then petitioned the Board for reconsideration of the decision. However, after considering Reed's petition, the Board determined that good cause to change its decision had not been shown. Therefore, the revocation of Reed's license became effective on May 3, 2002.

**RINGLER, RICHARD LEE**

**Civil Engineer C 37099**

**Accusation 693-A**

**Effective April 16, 2001: Reproval**

Disciplinary action was taken against Civil Engineer License C 37099, issued to Richard Lee Ringler. It was determined that Ringler violated Business and Professions Code section 6775 for negligence. Beginning on May 27, 1997, Ringler entered into an agreement to provide limited professional services. These services included, but were not limited to, providing a grading plan, setting rough grade stakes, preparing a parcel map, preparing a boundary survey, preparing an off site topographic survey, and setting monuments as shown on the final map. Ringler violated Business and Professions Code 6775 by failing to inform and consult with the client prior to the design of a drainage system that exceeded county standards, failing to properly locate the water pipeline in the plan, failing to conduct a thorough investigation before placement of the water pipeline in the water and sewer plan, failing to confer with agencies regarding existing utilities affect on water pipeline placement, failing to design the finish floor elevations high enough to permit proper "bury" and slope for laterals serving the buildings, failing to locate the gas line in the plans, designing plans which lacked sufficient detail for proper implementation, failing to locate underground fiber optics cable in the plans, failing to adequately research on site and off site utilities and obstructions, failing to show in the plans utilities that interfered with the project, failing to set the finished floor elevations necessary for establishing sanitary sewer conditions, failing to note the traffic loops in the plans, and failing to note the existing landscape in the plans. In its decision, effective April 16, 2001, Ringler is subject to public reproval. Additionally, he was required to reimburse the Board for the costs of investigation and enforcement in the amount of \$16,668.45.

**ROWLAND, RANDOLPH CARR**

**Civil Engineer C 25019**

**Accusation 686-A**

**Effective November 1, 2000: Revoked, revocation stayed, three years on probation**

Accusation 686-A against Randolph Carr Rowland, Civil Engineer License C 25019, alleged that Rowland violated Business and Professions Code section 6775 by negligently and deceitfully practicing civil engineering in Nevada County. Specifically, it alleged that Rowland negligently designed, supervised, and inspected the construction of a septic system. He did not comply with the provisions of the Contingency Plan. The Contingency Plan was required by permit conditions. When the system septic system failed, he designed and installed a temporary by-pass that was not in accordance with the design intent, and failed to effectively repair the system as soon as prudently possible as required by the Contingency Plan. Rowland admitted that he had been negligent in the practice of professional engineering and stipulated that his license was

subject to discipline. Additionally, Rowland was placed on probation for three years, effective November 11, 2000, with terms and conditions specified by the Board including the requirement that he complete and pass, with a grade of "C" or better, one or more Board-approved college-level courses specifically related to the area of the violation. He was also required to pay the sum of \$4,466 to the Board for its investigative and enforcement costs in this matter.

**SMITH, RANDALL JAMES**

**Land Surveyor L 5189**

**Accusation 706-A**

**Effective October 4, 2002: License revoked, revocation stayed; three years probation**

Accusation 706-A alleged that Randall James Smith had subjected his Land Surveyor License L 5189 to disciplinary action for negligence, deceit or misrepresentation, and failure to file a corner record, violations of Business and Professions Code §§8780(a), (b), (d), and 8765(d). It was alleged that, in 1998, Smith undertook a land surveying project in Los Angeles County for a private client; after performing the survey and setting monuments, Smith showed his client where the property lines were located. It was alleged that the client then asked Smith to remove the monuments he had set so as not to alert the adjacent property owners to the actual property line, which Smith did, with the express purpose of aiding his client to conceal the location of the line from the owners of the adjacent property. It was further alleged that Smith failed to file a corner record after setting monuments during the performance of the survey. Furthermore, it was alleged that, in 1998, Smith undertook another land surveying project for a private client in Los Angeles County in which he was to establish the property line between two lots. It was alleged that Smith submitted a Corner Record, which was returned to him to correct a defect in his calculations; Smith revised the property line location, relocated his monuments, and submitted a revised Corner Record to the County. The Accusation alleged that Smith was negligent in his land surveying practice in that both the initial Corner Record and the revised Corner Record reflect sub-standard methodology; Smith's fieldwork is consistently inadequate and incomplete in both searching for and locating evidence for use in the survey; his measurements are incomplete and/or insufficiently thorough; and the property line he established is so insufficiently corroborated that it cannot be evaluated by a third party for accuracy. Effective October 4, 2002, the Board adopted a stipulated settlement as its decision in this matter. In this stipulation, Smith agreed that the charges and allegations in the Accusation, if proven at an administrative hearing, would constitute cause for imposing discipline against his Land Surveyor license. Smith also agreed that, at a hearing, a factual basis for the charges in the Accusation could be established; therefore, he agreed to be bound by the Board's disciplinary decision. In this decision, the Board ordered Smith's license revoked; however that revocation was stayed, and Smith was placed on probation for a period of three years upon certain terms and conditions. Some of these conditions required Smith to successfully complete and pass two Board-approved college-level land surveying courses and a Board-approved professional ethics course. Smith is also required to reset the monuments he removed and file a Corner Record with the County. Additionally, Smith is required to reimburse the Board for its investigative and enforcement costs in the amount of \$4,676.00.

**WARRECKER, RONALD LOUIS****Land Surveyor L 5203****Accusation 719-A****Effective October 4, 2002: License revoked; revocation stayed; 2 years on probation**

In a Stipulated Settlement and Disciplinary Order adopted by the Board, disciplinary action was taken against Land Surveyor License L 5203 issued to Ronald Louis Warrecker, pursuant to Title 16, California Code of Regulations §473.3(b). In the stipulation, Warrecker admitted that he failed to fully comply with a citation, No. 5044-L, previously issued to him. The decision of the Board, which became effective on October 4, 2002, ordered the revocation of Warrecker's Land Surveyor license. However, that revocation was stayed, and Warrecker was placed on probation for two years with terms and conditions. One condition required Warrecker to comply with Citation No. 5044-L by filing the Record of Survey as ordered in the citation. Other conditions required him to notify his clients and employers of the disciplinary action, to take and pass the California Laws and Board Rules examination, to successfully complete and pass a Board-approved professional ethics course, and to reimburse the Board's investigative and enforcement costs in the amount of \$1,896.00.

**WOLFF, MARVIN W.****Accusation 724-A****Effective March 7, 2002: Civil Engineer License C 8137 surrendered; Civil Engineer License C 63313 issued**

Accusation 724-A against Marvin W. Wolff alleged that Wolff violated Business and Professions Code §§8780(a), (b), (d), (g), and 8771.3 and Title 16, California Code of Regulations section 464(c) for fraud and/or deceit, negligence, breach of contract, and failure to timely file a corner record. The Accusation alleged that, in 1998, Wolff was retained to perform land surveying at property located in Los Altos and to file any necessary documentation of his survey in a timely manner; Wolff was retained because the property owners were involved in a potential boundary dispute with their neighbors. The Accusation further alleged that Wolff performed the survey and advised his clients that he had set monuments because he could not locate the iron pipes set during the original survey of the property. It was also alleged that Wolff advised his clients that he had submitted the Corner Record to the county, when in fact he had not done so. The Accusation alleged that Wolff committed fraud and/or deceit in his practice by falsely advising his clients that he had submitted the Corner Record to the county when he had not done so; that Wolff committed negligence by failing to locate the original iron pipes, by setting new monuments without timely completing a corner record, and by not performing his survey or preparing a corner record in a timely fashion; that he failed to file a corner record within 90 days of setting monuments; and that he breached his contract by failing to timely comply with the terms of his contractual agreement. As its decision in this matter, the Board adopted a stipulated settlement agreement in which Wolff admitted that he had failed to submit a corner record within the 90-day period required by Board Rule 464(c). Wolff also agreed that his Civil Engineer license was subject to discipline and agreed to be bound by the Board's disciplinary order. As part of this disciplinary order, Wolff agreed to surrender his Civil Engineer License C 8137, which allowed him to practice land surveying, to the Board; in exchange, the Board agreed to issue a new civil engineer license to Wolff that would not authorize him to

practice land surveying. Effective March 7, 2002, Wolff surrendered his Civil Engineer License C 8137 and was issued Civil Engineer License C 63313. As part of the disciplinary order, Wolff's new license was revoked; however, that revocation was stayed, and he was placed on probation for two years under certain terms and conditions. These conditions required that Wolff reimburse the Board for its investigative and enforcement costs in this matter in the amount of \$5,650.00 and that he provide a copy of the decision and order of the Board in this matter to all persons or entities with whom he had a contractual or employment relationship relating to the practice of civil engineering as of the effective date of the decision.

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